

F  
72  
W9  
W2

A  
A  
0  
0  
0  
9  
3  
1  
3  
2  
3  
0



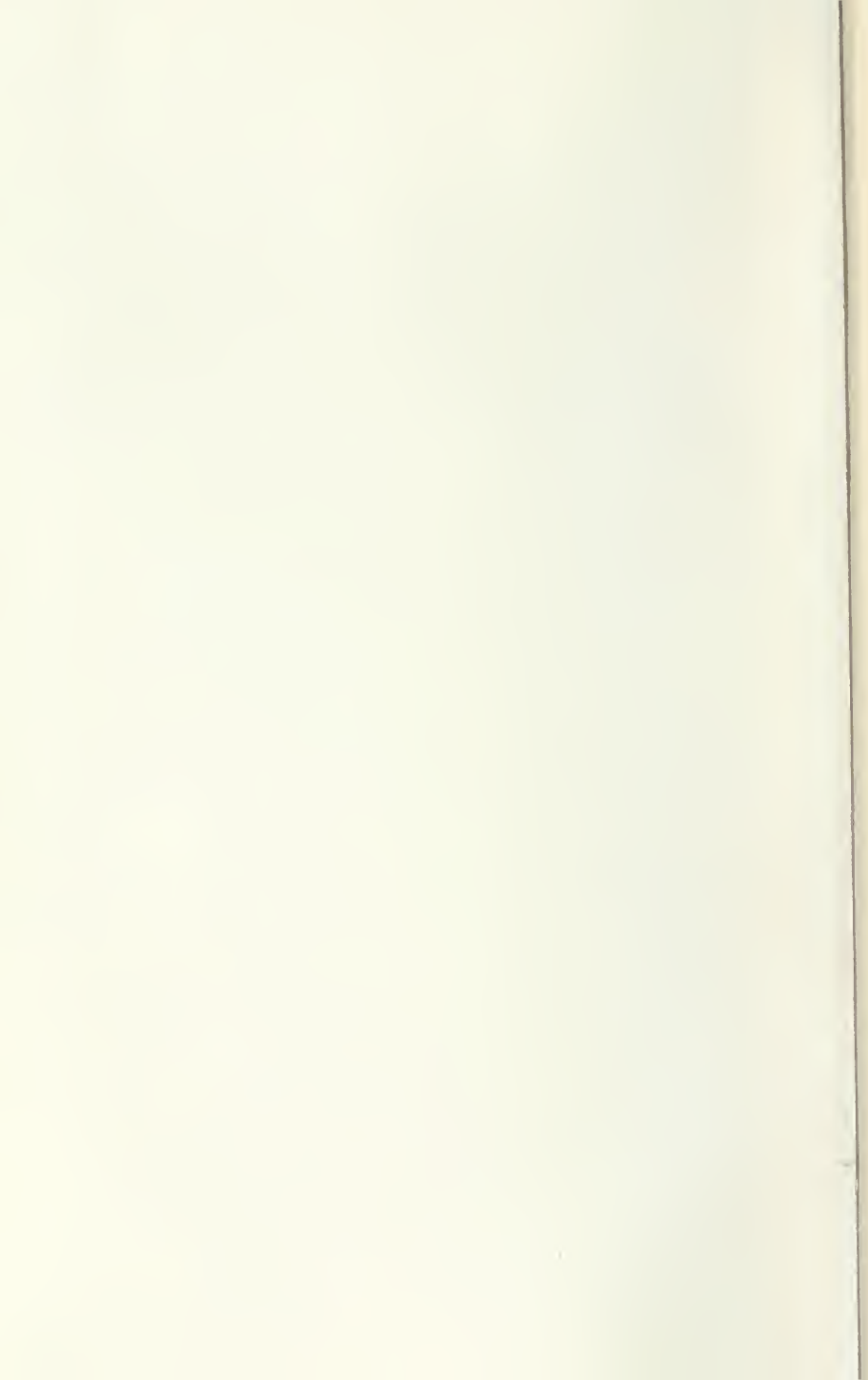
UC SOUTHERN REGIONAL LIBRARY FACILITY

UNIVERSITY OF  
CALIFORNIA  
SAN DIEGO

THE UNIVERSITY LIBRARY  
UNIVERSITY OF CALIFORNIA, SAN DIEGO  
LA JOLLA, CALIFORNIA







ADDRESS

AT THE

SOCIAL FESTIVAL

OF

THE BAR

OF

WORCESTER COUNTY,

MASSACHUSETTS,

FEB. 7, 1856.

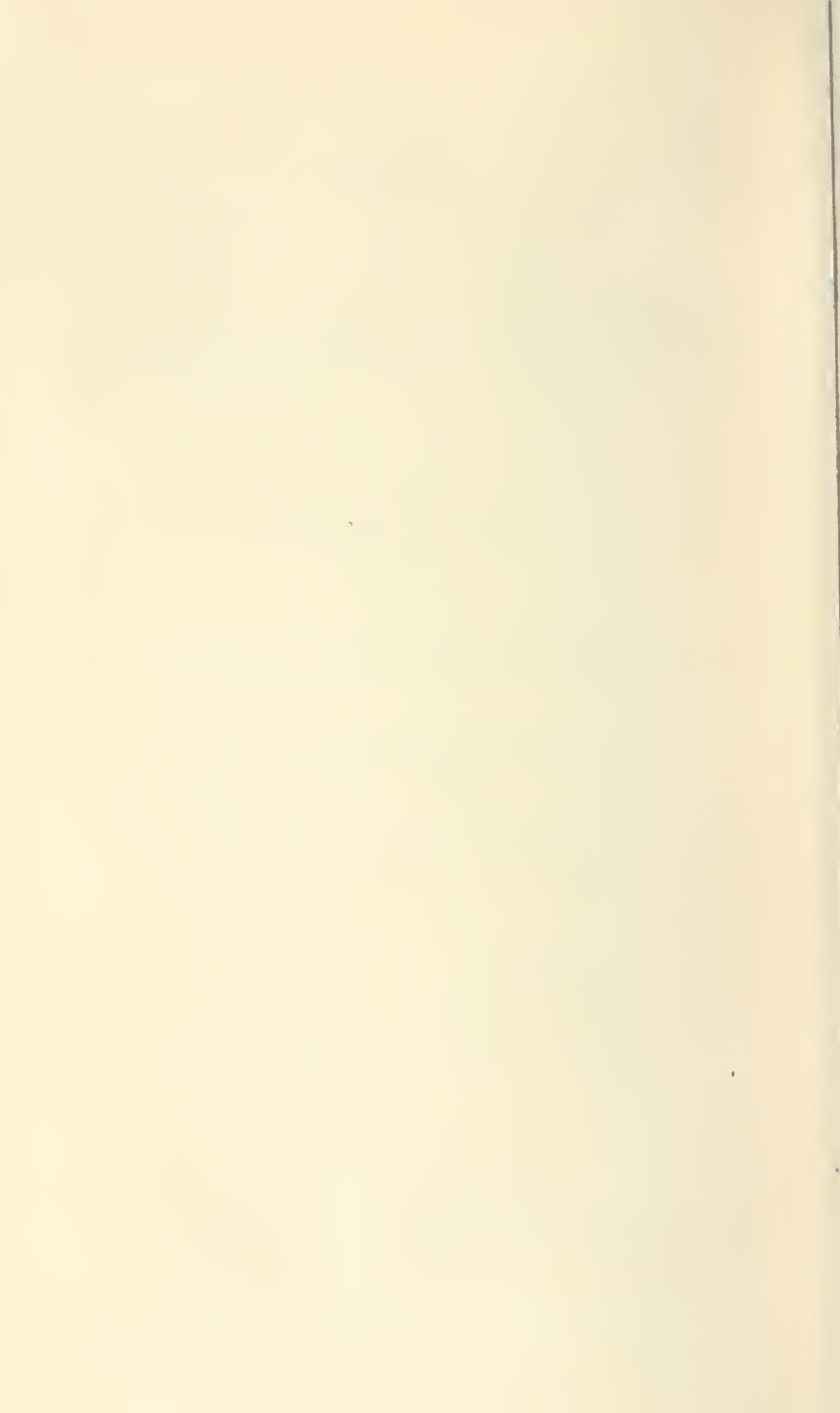
---

BY

HON. EMORY WASHBURN.

---

WORCESTER:  
PRINTED BY HENRY J. HOWLAND,  
245 Main Street.





F  
72  
W9  
W2

## SOCIAL FESTIVAL.

---

At a meeting of the Bar of the County of Worcester, held, in pursuance of notice, at the Law Library, Sept. 15, 1855, Ira M. Barton was called to the chair, and Joseph Mason appointed Secretary.

On motion of the Hon. Nathaniel Wood, of Fitchburg, a committee was raised to consider the subject of a Social Festival of the Bar, with instructions to report at a future meeting, and the following gentlemen were appointed :

IRA M. BARTON,  
NATHANIEL WOOD,  
BENJAMIN D. HYDE,  
FRANCIS DEANE,  
GEORGE W. RICHARDSON,  
HENRY CHAPIN,  
GEORGE F. HOAR.

During the Law Term of the Supreme Court, holden at Worcester on the first Tuesday of the next October, the Committee reported in favor of such a Festival, to embrace also the objects of an historical address, the improvement of the County Law Library, and the formation of an Association of the Bar.

The Report of the committee was unanimously accepted, and the same gentlemen were appointed a committee of arrangements, to carry their recommendations into effect.

The time and place designated for the Festival, was Worcester, Feb. 7, 1856, it being the day of the first semi-annual meeting of the Justices of the Court of Common Pleas, in that city ; and the Hon. Emory Washburn accepted an invitation to deliver the address upon the occasion.

Distinguished members of the Bar and of the Bench, from Massachusetts and the neighboring States, were invited as guests, and on the day appointed, at 5 o'clock P. M., at the New Court House, Ex-Governor Washburn delivered his address.

Immediately after the address, the company, under the direction of Col. Geo. W. Richardson, the Sheriff of the County, and Marshal of the occasion, repaired to the Bay State House, where, after an hour's agreeable re-union in the spacious and elegant saloons of that establishment, more than an hundred sat down to a supper, well provided by Messrs. Clifford & Foster. A blessing was invoked by the Rev. Dr. Alonzo Hill, and the Hon. Ira M. Barton presided, assisted by the Hon. Messrs. Newton, Wood, Chapin and Deane, as Vice Presidents.

The festive part of the occasion was introduced by remarks from the President, in the course of which he referred in appropriate and respectful terms, to Mr. Justice Byington of the Common Pleas, whose lamented and very recent demise, deprived the company of the honor of the presence of all the Judges of that Court.

The following sentiments were then announced by the Chair.

1. The President of the United States, and the Governor of the Commonwealth.
2. The Judiciary of the Commonwealth, and the health of Mr. Justice Thomas.

This sentiment was very eloquently responded to by the Hon. Benj. F. Thomas, one of the associate justices of the Supreme Court.

3. Our national and State Judiciaries. Complicated and nicely adjusted systems of jurisprudence. But under an administration by good and wise men, upon the just principles of international law, no collision can ever take place between them; certainly not on this occasion.

The following letter was received from the Hon. Benj. R. Curtis of Boston, an associate justice of the Supreme Court of the United States. For the reading of this and other letters, the chair was indebted to Chas. C. B. Snow, Esquire, of Fitchburg.

WASHINGTON, Jan. 21, 1856.

HON. IRA M. BARTON,—DEAR SIR: I received your invitation, in behalf of the Committee of the Bar of the County of Worcester, to attend their

Social Festival, to be held at Worcester on the evening of the 7th Feb. next. If my duties here would permit, it would give me much pleasure to be present. With some of the older members of the Bar of Worcester County, I have had, in former years, relations too pleasant to be easily forgotten; and for the younger members of the profession there, as well as elsewhere in my native State, I feel an interest, which would render me glad to meet them, and make their acquaintance. Notwithstanding the severe contests of the bar, which a stranger might suppose would inevitably alienate lawyers from each other, I believe there is no profession, or occupation, whose followers entertain for each other, so much cordial good will, and do so much to help one another, as the members of our profession. And I have long thought that it would promote these kindly feelings, and be in no small degree serviceable, particularly to the younger members of the profession, to meet together as you propose to do. I made a strong effort, some years since, to arrange a plan for this purpose. It failed, but I was not convinced that the objects were not desirable, or were unattainable. I am glad to learn that you are about to have a Social Festival of the Bar of Worcester County.

I do not know whether there will be any place for what is called a "sentiment" in these times, when toasts must not be spoken of—if there is, I would offer the enclosed.

With great respect,

Your Obed't Serv't,

B. R. CURTIS.

A learned, industrious, upright and faithful Bar—The indispensable guide and support of a just, wise, courageous and learned Bench—The Commonwealth of Massachusetts has always had both, and its people have known how to value them.

4. Hon. Judge Sprague, of the District Court of the United States. Brought up at the feet of a Worcester Gamaliel, he has done equal honor to himself, and to his instructor.

Boston, Jan. 18, 1856.

GENTLEMEN:—I regret that it is not in my power to accept your invitation to the Social Festival of the Bar of Worcester County. The state of my health peremptorily forbids me that pleasure. It would have afforded me peculiar satisfaction to have visited Worcester upon such an occasion. My associations with your Bar, go back to the year 1814, when I was a student in the office of the Hon. Levi Lincoln, who was then distinguished as a Lawyer and an Advocate, and has since most honorably filled two of the most eminent offices in the State. And I have a vivid recollection of many of the eminent Lawyers, who then and since have so greatly distinguished the Bar of Worcester County. Accept my thanks, Gentlemen, for the honor conferred by your invitation, and believe me,

Very Respectfully yours,

P. SPRAGUE.

To Messrs. Ira M. Barton and others.

5. Ex-Governor Lincoln. The Nestor amongst Massachusetts lawyers, Judges and Governors.

This sentiment elicited a very interesting speech from the Hon. Levi Lincoln.

The health of the Hon. Samuel Hoar of Concord, was here given, and received by the company rising. The venerable compeer of Ex-Governor Lincoln, acknowledged the compliment in remarks at once forcible and happy.

6. New Hampshire. A standing demonstration of the fact, that "giving does not impoverish." She has given us her Websters, her Masons, her Bells, and her Parkers; but yet, she has more of the same sort left.

In the absence of Chief Justice Perley of the Supreme Court of New Hampshire, whose presence was prevented by sickness, the company called for the Hon. Joel Parker, one of the emigrants referred to. But before responding, the chair requested him to notice, also, the following sentiment.

7. The Law School of Harvard College. By the sound principles of Constitutional law, there inculcated, and the genial associations of young men, there formed, it constitutes the best guaranty of the Union.

These sentiments were aptly and eloquently spoken to by Professor Parker, of the Dane Law School in Harvard College, and formerly Chief Justice of New Hampshire.

8. Maine. A worthy daughter of Old Massachusetts. She may well rejoice in her Heraldic "Dirigo," but she must never undertake to direct the old folks.

The following note was received from the Hon. John S. Tenney, a native of Massachusetts, and now Chief Justice of the Supreme Court of Maine.

NORRIDGEWOCK, Feb. 2, 1856.

IRA M. BARTON, ESQ.,—DEAR SIR: On returning to my residence from a long absence, I found your favor of the 12th ult., kindly inviting me to attend the "Social Festival" of the Bar, on the evening of Thursday, the 7th inst., at Worcester.

On such an occasion, and to hear an address from the distinguished gentleman selected for the purpose, it would give me great pleasure to be present with the members of the profession, to which I am proud to consider myself as belonging, in my native Commonwealth, especially in the County

of Worcester, where the Bar has been conspicuous for gentlemen of talents and legal attainments.

But I am sorry to say, that I must deny myself this gratification on account of business of an official character, which cannot be postponed.

Accept, dear sir, for yourself personally, and the committee, in whose behalf you extended your invitation to me, the feeling of the highest respect.

JOHN S. TENNEY.

The Hon. R. H. Vose of Augusta, a distinguished member of the profession, who received his legal education in Worcester, transmitted to the committee the following sentiment.

The Bar of Worcester County. May the glorious history of the past, never be dimmed by the future.

The Hon. Chief Justice Redfield, of the Supreme Court of Vermont, sent the following complimentary note, regretting his inability to attend the Festival.

WINDSOR, Jan'y 22, 1856.

HON. IRA M. BARTON,—DEAR SIR: It would afford me very sincere pleasure, to be able to attend your Festival, but as the time comes in the midst of one of our terms, it will not be in my power. The slight acquaintance I have had with the Bench and the Bar of Massachusetts, and their uniform and marked courtesy towards me, certainly renders the deprivation which I now suffer, in not being able to avail myself of this opportunity of meeting them, a serious disappointment.

Very truly yours,

ISAAC F. REDFIELD.

9. The Ex-Judges of our Supreme Court. Equally honored upon the Bench, and in their retirement.

The following letter and sentiment from the Hon. Richard Fletcher, formerly an associate justice of the Supreme Court, were then read.

BOSTON, Feb. 4th, 1856.

DEAR SIR:—I regret that it will not be in my power to be present at the Social Festival of the Bar of Worcester County, on the 7th instant. You will please to make my acknowledgments to the Bar for their kind invitation. It would be well if such meetings were more frequent. They might do much good by animating and encouraging the members of the profession in their efforts for advancement in learning and usefulness, and by inculcating and keeping alive, and in action, those high and honorable principles and maxims, which should form the characters, and govern the conduct of those, who minister in the temple of Justice. It is unhappily too true, that the lawyer is constantly exposed to temptation to overstep the bounds

of right and duty. In the earnest and ardent contests of the forum, his zeal for his client, and his desire for victory, tend to divert his attention from the claims of truth and justice; yet certain it is, that no better mode has been discovered, no better mode is known, for administering justice, than by the services of a body of men properly educated and prepared to represent the suitors, to present their claims, and discuss their rights. Such a body of men is indispensable, to do for parties what they are unable to do for themselves.

The profession of the law, properly pursued, is a useful and honorable profession. But to maintain that character, lawyers must vigilantly and scrupulously guard themselves against the evils and dangers, with which they are continually beset. From age to age the profession has been adorned by good and great men. Two eminent men, Judges Wilde and Jackson, have recently departed from among us, who have left us noble examples of pure, upright, honorable and useful lives. There should be some more enduring memorial of such men, than a brief eulogy, suddenly called forth, at the time of their decease. I earnestly hope and trust that your Festival may be an occasion of great pleasure and profit to the Bar of Worcester County, for whom I entertain the highest respect and regard.

I subjoin a borrowed sentence, which expresses a just and appropriate sentiment.

Very faithfully and truly yours,

RICHARD FLETCHER.

Hon. Ira M. Barton, for the Committee.

The Profession of the Law, "Let it be remembered and treasured in the heart of every student, that no man can ever be a truly great lawyer, who is not, in every sense of the word, a good man."

10. The Hon. Judge Merrick. A refugee from the Worcester Bar. We have lost a good companion; the State has gained a good Judge.

The following note was received from Mr. Justice Merrick of the Supreme Court.

Boston, Feb. 7th, 1856.

MY DEAR SIR:—It is with the deepest regret that I find myself unable to unite with the gentlemen of the Bar of the County of Worcester in their Festival this evening. I had looked forward to a participation with them in the pleasure of this occasion, with the utmost expectation and desire, and I am greatly disappointed that I cannot do so. My health, within a few days past, has given way, and I am unavoidably detained at home by an illness, which, though it does not threaten to be of long duration, is still sufficient, at present, to confine me to my house. Thus constrained against my will to be absent from you this evening, I shall yet heartily sympathize with you in your festivity. It was in the midst of the scenes of their present occupation, that I have spent the largest, the most laborious, and the happiest portion of my life, and I cannot, therefore, but feel identified



with my professional friends and brethren of the Bar of the County of Worcester. And I can never fail to take the deepest interest in whatever administers to their gratification or advances them in the honorable rank they hold in the community. I shall always rejoice in whatever promotes their welfare, or contributes to their individual prosperity, success, and happiness.

I am very truly yours &c., &c.

PLINY MERRICK.

Hon. I. M. Barton, for Committee of Bar of County of Worcester.

11. The Ex-Judges of the Court of Common Pleas. None the less entitled to our respect and reverence, although they tread upon our corns somewhat more lightly than in days gone by.

Hon. E. R. Hoar well sustained the family reputation in his happy response to this sentiment.

12. The Old Plymouth Colony. She can never lose caste in the Bay State, so long as she produces our Shaws, our Spragues and our Cliffords. She has furnished more than one distinguished *Page* in our history.

The following is a sentiment received from the Hon. J. H. W. Page of New Bedford.

The Social Festival of the Bar of Worcester County. May it be crowned with all success, and prove the re-dawning of a day which *old* members of the Bar remember with pride.

13. The Orator of 1829. In erecting a "Corinthian column" to the memory of those who first gave distinction to this Bar, he created for himself a monument equally beautiful and lasting.

This sentiment drew a neat and interesting response from Joseph Willard, Esquire, of Boston, who addressed this Bar, on an occasion like the present, Oct. 2, 1829.

14. The Bar of Suffolk. Confessedly, the head of the Bar of the Commonwealth. But they should remember where their best lawyers come from.

The truth of this sentiment was happily illustrated by Hon. Wm. Brigham, of the Suffolk Bar; but claiming the double domicile of Boston and Grafton.

15. The river Counties of Old Massachusetts. While the names of Mills, Alvord, Ashmun and Bliss, throw a melancholy glory over the past, the light of genius, eloquence and true hospitality, shed a brilliant radiance over the present.

The speech of the Hon. Wm. G. Bates in answer to this sentiment, was characterized by genuine wit, and attic taste.

The President here congratulated himself and the company, that he had a Vice President, who was both a poet and a lawyer, and he, with great pleasure, introduced the Hon. Henry Chapin, as *poet lawyerate* and presiding officer.

Mr. Chapin read the following pleasant effusion, and then proposed the concluding sentiments.

We hasten to this festive board,  
In omnibus and car,  
To feed on what our means afford,  
We children of the Bar.

Old Worcester County gathers now,  
Without a single jar,  
Her sons, who make their earnest vow,  
Ne'er to disgrace the Bar.

'Tis well for men, at times, to know  
Precisely what they are,  
And law and fact combine to show,  
When one has seen the Bar.

The Frenchman, as he staggers up  
And utters his "be gar,"  
Fresh with the flavor of the cup,  
Has surely seen a Bar.

The yankee, as he swells and swears,  
And smokes his long cigar,  
Upon his perfumed image bears  
The impress of a Bar.

But we, who battle for the right,  
With many a wound and scar,  
Must stand and fight, with all our might,  
At quite another Bar.

And he who means to triumph here,  
Though he may wander far,  
Must watch with vision bright and clear,  
Our jewels of the Bar.

We greet without the weakest wine,  
Full many a brilliant star,  
While round us now, are bound to shine,  
These meteors of the Bar.



And as we meet, with chastened glee,  
 May nought our feelings mar,  
 And while the shades of evening flee,  
 Let's consecrate the Bar.

16. The city of Springfield. While the beautiful in nature—the skillful in art, and the best of good eating commend themselves to the taste or the appetite of man, the Queen City of the Valley will continue to be a sort of Mecca to the pilgrims of Old Massachusetts.

This sentiment was appropriately responded to by Hon. R. G. Chapman, of Springfield.

17. The Town of Fitchburg. One of the brightest jewels in the good old County of Worcester.

We have been friends together,  
 The past we can't forget,  
 What'er the wind or weather,  
 Oh do not part us yet.

This sentiment called up Hon. Nathaniel Wood, of Fitchburg, who, as usual, was at home.

18. The Judge of Probate of the County of Worcester. Like his predecessors, he not only fulfils the duties of his office with dignity and fidelity, but is remarkably popular among the poor widows of the County.

This sentiment elicited a happy response from Hon. Judge Kinnicutt.

19. The past and present District Attornies of the County of Worcester. The maxim that more worship the rising than the setting sun, here fails in its application, for they all have, and deserve to have, the confidence and respect of their brethren of the Bar, and of the community with which they are so closely connected.

There being so many to whom this sentiment applied, the company lost the benefit or any specific reply.

20. The Sheriff of the County of Worcester. His courtesy to the people, his kindness to the prisoner, and his generous smoothing of the rough spots in a lawyer's existence, richly entitle him to our heartfelt wish, that his shadow may never be less.

To this sentiment, sheriff Richardson made a characteristic reply.

21. Old Uxbridge. God bless her. In former days she rejoiced in a duet. To day she supports a trio.

George S. Taft, Esq., well represented the place of his birth in a response to this sentiment.

22. The Town of Petersham. The blood of the fathers yet runs in the veins of the sons. We welcome to our feast to night a son worthy of his sire.

F. A. Brooks, Esq., of Boston, son of the late Hon. Aaron Brooks, of Petersham, made a brief and appropriate reply.

It being now nearly 1 o'clock, the company separated with the best feelings, satisfied that the occasion had been fully equal to the most ardent expectations of the most sanguine advocate of it. And if the spirit which animated the members at this Festival, shall be carried to its legitimate result, similar gatherings will ensue, and serve to brighten and perpetuate those generous and fraternal sentiments in the hearts of the members of the bar, which are alike honorable to themselves, agreeable to the courts, and useful to their clients.

Worcester, Feb. 22, 1856.

HON. EMORY WASHBURN,

*Dear Sir:* — As Chairman of the Committee of Arrangements for the recent Festival of the Bar of the County of Worcester, and in pursuance of a vote of the Bar, I am instructed to tender you "Their sincere thanks, for your valuable, interesting, and eloquent Address, delivered on the occasion, and to request a copy of the same for publication."

Very Respectfully Yours,

IRA M. BARTON.

---

Worcester, March 1, 1856.

*Dear Sir:* — In complying with the request contained in your note of the 28th ult., I am performing a pleasant duty, rather than following any personal wish to give publicity to the address.

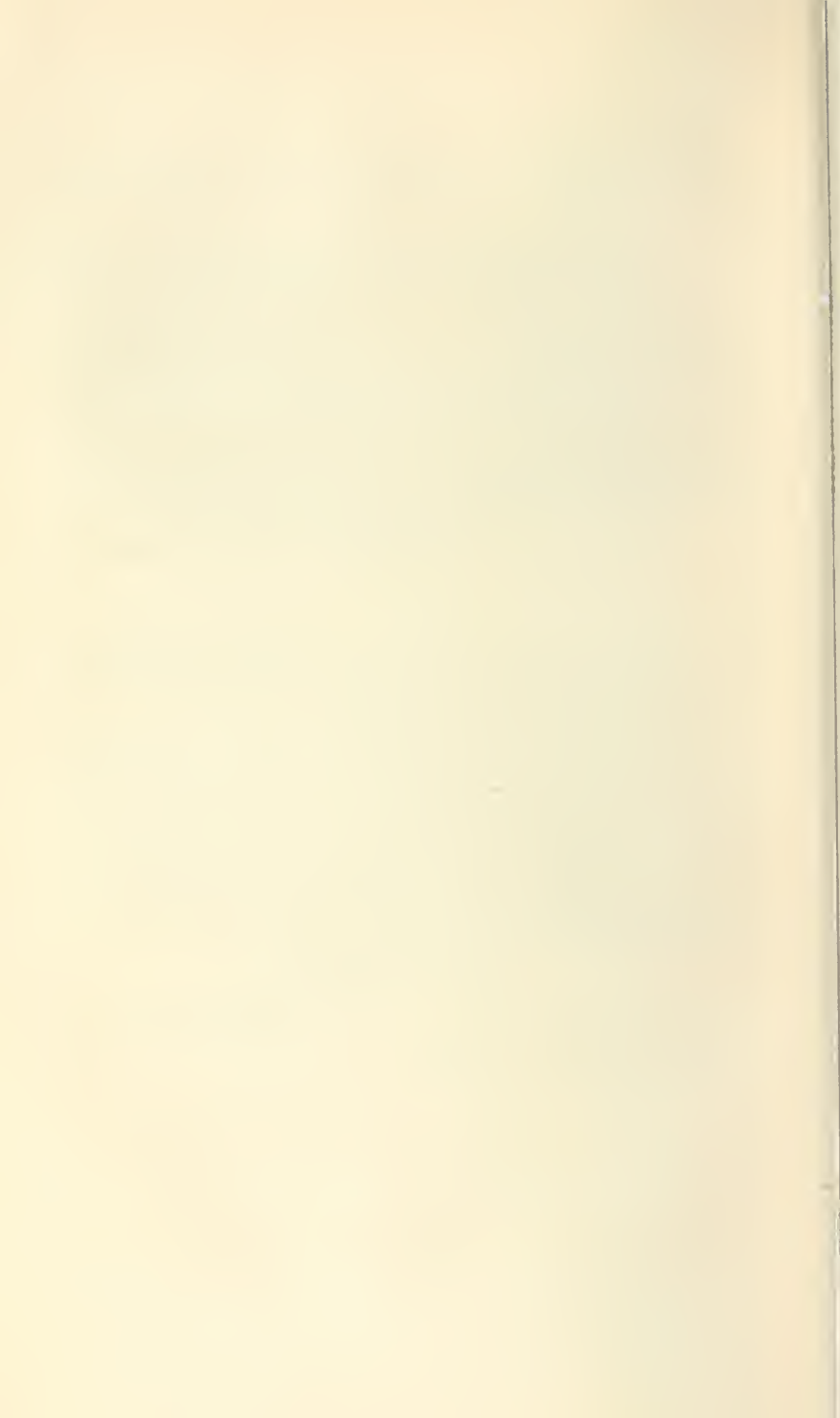
The memorials that a lawyer is ordinarily able to leave of his efforts at the bar, are necessarily brief. The arena upon which his powers are exercised, is removed from public observation, and some of the noblest exertions of the human intellect have been spent in determining questions of private right, to be forgotten with the occasion that called them forth. If, therefore, my brethren have furnished me an occasion to collect some memorials of those who have heretofore filled places at the Bar, and are willing to give them a more permanent form than the entertainment of a festive hour, I do not feel that I have a right to decline the request.

I am, Very Respectfully,

Your Ob't Serv't,

EMORY WASHBURN.

HON. IRA M. BARTON, *Chairman &c.*



## ADDRESS.

---

I am to speak this evening of *the Law and its progress*, and of *this Bar and its changes*, during the last twenty-five years.

Measured by the experience of a life, how large is the space which that period occupies!

Of all those who filled the places we occupy, twenty-five years ago, how few are here to night, to share in the reminiscences which it is designed to awaken. And what a grave has been opened and closed over bright hopes, generous aspirations, and stirring ambition, in the solemn experience of these few brief years.

What a change have they wrought in the individual man! The stout frame has been bowed, the flowing locks have been bleached and scattered, the beaming eye clouded and dimmed, the gladsome spirits saddened, and the shadows of coming evening grown fearfully long, as the lingerer stops in his lonely walk, and looks around in vain for some once familiar companion of his earlier days.

They found a young man full of hope, they have made him an old man full of experience.

But if we contemplate this period in contrast with the life of the Common Law, of whose history it forms a most important chapter, it dwindles to the measure of a moment's space.

The origin of that system is indeed so distant that the long vista of ages, through which, alone, the mind can re-

gard it, blends in its perspective, the hues of truth and error, like the melting of the dim outline of the blue ocean with the bluer sky, when we look out upon its waters, as they sleep in the stillness of a summer's twilight.

I go back in my research, to the day when Rome was gathering up her giant limbs to die, and left the few and scattered fragments of her imperial institutions, like the relics of half legible inscriptions, and old imperishable stone work, on which the eye of the antiquary reads the tale of the five centuries of Roman power and glory in that island.

I trace the slow and silent growth of institutions, which through another period of six hundred years, were springing up, under the rule of a rude people, and I pause to admire the sturdy independence, so nearly approaching to freedom, of the Saxon, while I read the simple but wise ordinances of Ina and Alfred, and listen to the counsels of their Wittenagemot—the future Parliament of Great Britain, and mark the first rough outline of that form of trial, which has since protected so many against the power of the oppressor, by the majesty of a Juror's oath.

And, as I contemplate this broad, deep laid, rough foundation of Saxon law, I see planted and rising upon it, that stupendous fabric of Feudalism, which the Norman conquest brought with it as the element of its power and its perpetuity. The Baron's castle in the midst of his broad domain, is frowning over the hut and cottage of his vassal and his serf. The mitred Bishop keeps the conscience of the King, and is stealing in upon the frank and manly doctrines of the English law, with the subtle and artful inventions of the church, while the monarch is himself waging an unequal contest against the ascendancy of the Pope on the one hand, and a storm of domestic faction with his Barons on the other.

I see these Barons gathering at Runnymede, and among the memorable records of what those stern old warriors thought and did there, I read as a concession wrung from royal fear, but treasured forever after in a nation's heart,

the development of that great element of personal right and private justice—"Nulli vendimus nulli negabimus, aut differemus, justitiam vel rectum."

And as we recall that scene in fancy, and the thought flashes across the mind that some gifted spirit among those men of iron nerve, may, with prophetic vision, have read that memorable declaration, as we may now, engraved upon the seal of a Court of Common Law, presiding over the civil rights of a million of Freemen, with a wisdom and learning of which the pages of Glanville and Bracton furnish but barren rudiments,—in a land which even fancy had, till that moment, never conceived, the whole comes back upon the imagination, as a spectacle of moral grandeur, compared with which the by-play of war sinks into insignificance.

I trace, still onward, that course of events, which, infusing new elements into the body of the law, changes not only the relations of property, but the very ideas of social duties and political rights.

The cunning shrewdness of the clergy has substituted under the guise of "Uses" the superstitions of a vitiated conscience, for the plain, homely precedents of feudal simplicity, cheating alike the crown and the Lord of their cherished prerogatives, and gathering into the granary of the church the best fruits of the English soil, in spite of charter and of statute.

There is something even dramatic in witnessing this struggle,—sturdy, English doggedness triumphing over priestly cunning. Parliament has met at Merton. The Bishops are seeking to introduce their own canon law, and are ready, in order to accomplish it, to minister to the passions and vices of the impulsive Barons. But the appeal is vain. In terms which could not be mistaken, and in words which will be read with admiration in after days, they tell those ambitious churchmen, "*nolumus leges Angliæ mutare,*" and England and her institutions are English still.

I pass over another period of four hundred years—A long and severe struggle has been going on, the anathema of the Pope, and the thunder of the Vatican have lost their terror. Interdict and Excommunication can no longer clothe a people in sack-cloth. And the prestige of royalty itself has ceased to dazzle the eye of a fickle multitude. A Plebian Parliament has laid sacreligious hands upon the Lord's anointed.

But Law has been, during all this time, silently gaining strength and consistency in the kingdom, and the people are beginning to learn that without rules to guide and check their rulers, the rights of the citizen can never be secure.

And when, at last, that feeling of an Englishman's Loyalty, which had been cherished by the teachings of a thousand years, triumphed over the party of freedom and fanaticism, Liberty was found asserting her claims in behalf of private right, and personal security against power and prescriptive wrong. At one blow, Chivalry and Knight service, under which the tenant of every manor in England had been groaning for six hundred years, were laid prostrate, while that single engine of magic power, the *Habeas Corpus* was placed within the reach of the humblest citizen, and at its touch the bars and bolts of the deepest dungeon gave way, and the fetters of the oppressor fell broken from the limbs of his victim.

As we come down from this eventful period, our pathway grows luminous and clear in the light of Judicial learning.

The struggle between prerogative and the people, between the crown and the priesthood, has passed and is passing away, while the cumbrous frame work of antiquated forms is giving place, in the study of the jurist and the statesman, to the vitalizing principles of social advancement and individual right. Commerce and Trade are fixing more firmly their marts in the growing cities of the kingdom, and thrift is rewarding the enterprise of toiling industry.

The Common Law, in the mean time, has kept pace with



the changes that are thus going on, and has expanded to meet the unaccustomed wants of a community, no longer confined to the culture of the soil.

Under the guidance of her great masters, her Holts, her Blackstones and her Mansfields, she has added to her primitive elements, what she has gleaned from the systems of continental Europe, and especially from the great store house of Roman Jurisprudence, the elements of symmetry and consistency which adapted to the condition of a commercial people, the rugged relics of feudalism and the business of arms and agriculture which still give character to her laws, and form the basis of her constitution.

The heretofore rival systems of law and equity, have learned how to blend and harmonize with each other, under the administration of the Hardwickses and Camdens of the time, till a system of Jurisprudence has grown up and become incorporated into the constitution of the government, surpassing that of Rome in the brightest days of her glory.

Fifty years more in the history of the English law, and we find ourselves at the commencement of the period to which I am limited in what I am to say this evening. Yet brief as is this little space on the great chart of English history, I am greatly misled or we shall find that more has been accomplished in changing some departments of the law, and in fitting and adapting the great body of its principles to the practical wants of the community, than had been effected in either, if not all the antecedent periods of which I have spoken.

Those periods had been either too dead for action, or too full of struggle, as it were, for life itself, to allow the action of great minds, such only as can work out great problems of reform, in a field so uninviting as the details of administering private justice. The public mind was too much engrossed to heed the absurdities and inconsistencies which deformed the patch-work systems of local customs, ancient usages, and statute expedients, which made up so much of the existing body of her municipal institutions.

The first and earliest of those periods can hardly be said to belong to the historic age of the law.

The elements of society were being shaped into the form and consistency of the state. But the extent to which the masses had rights to be protected, or, that they should be provided with remedies for private wrongs, beyond something like a domestic police, seems to have entered but feebly into the spirit of its rulers or its laws.

In the next era, we see little more than a long, doubtful, three-sided struggle between the Crown, the Barons, and the Church, in whose alternate successes, the people came in for a meagre share only of whatever was gained by either side. A strong national feeling was growing up among them, it is true, but it was, after all, a period of struggle between masters, in which the people were chiefly passive and their rights unheeded.

Nor was it till the spirit of inquiry which the Reformation awakened, had infused life and energy into the torpid action of the popular mind, that the great third estate—the Commons of England—learned how to measure the power they afterwards wielded.

It would be pleasant to pause in this rapid review, on what was achieved for the cause of popular right during the Commonwealth and at the Restoration, and especially in the so-called Revolution of 1688, when the hallowed sanctity of royal prerogative gave way before the storm of popular indignation. It would be pleasant to trace how the learning and independence of Coke, the profound sagacity of Bacon, the mild virtues and uncompromising integrity of Hale, and the varied labors of the patriotic, and upright Somers, became inwrought into the science of the Common law, while Courts and Juries were gaining that independence which was at last guarantied to the Judges of England, by the act of William 3d. And it would be no less interesting to trace how questions of personal rights, and rights of property, at last, became the engrossing business of the

courts, in place of what should be the limits of prerogative, the jurisdiction of rival courts, or by what means the power of a papal hierarchy should be disarmed of its terror.

It should be borne in mind that the commercial spirit of the last century was engrafted upon the landed interests of England, for the regulation and preservation of which so much of the Common Law had come into existence. And the facility with which these were blended into a common system, and administered by the same courts, is but another illustration of the wonderful adaptation of that Common Law, to the wants and condition of a nation made up of men in all the walks and employments of life.

When, therefore, the attention of the leading minds in the kingdom had been withdrawn from the political excitements, and the almost continuous wars in which the nation had been engaged for more than a generation, it is not surprising that it should have been directed to the incongruous materials of which the Common Law was composed,—the customs and forms of the days of the Henrys and the Edwards registered upon the same page with the broad cosmopolitan jurisprudence of an era of arts, and commerce, and navigation.

Among these stand prominently the names of Romilly in the department of criminal jurisprudence, and of Brougham in the various other departments of the law, as the reformers of the present century.

Those who are familiar with the changes which have actually been accomplished in England during the last twenty-five years, will be ready to accord to it the character of the great age of English legal and judicial Reform.

Indeed, so rapid and important have those changes been, that it was stated by a writer in Blackwood, that when, recently, one of the leading lawyers at the Queen's Bench proposed to republish Blackstone with corrections and additions that should adapt the work to the present state of the law, it was found that, with the exception of the first vol-

ume, the identity of the work would be destroyed, and the proposal was abandoned after the publication of a single volume.

Neither good taste nor your patience would admit of my dwelling upon these at large, and I can therefore name only a few. Among these, Fines and Recoveries, the long tolerated farce of feigned issues, fictitious parties and false records in a grave court of Justice, are forever abolished. Conveyances of land have been stripped of their useless verbage, and rendered simple and intelligible. The mystic subtilties of lineal and collateral warranties, no longer puzzle the brain of the lawyer. The forms of more than fifty actions at the common law have been expunged. Volumes devoted to points as nice as the line between the north and northeast side of a hair, upon the interest of witnesses, have been rendered pointless by opening the witness stand to the very parties themselves. So far has this measure of reform been carried, that the very bones of Fitzherbert, and Saunders, and Booth, and Rastal must have stirred in their graves as the sacreligious hand was laid upon one after another of the beauties and romances of real actions, and special pleading,—upon the “*Quibus*,” and the “*Post*,” the “*Ayel*,” and the “*Besayil*,” the “*Traverse*,” and the “*giving color*,” and their places supplied with English terms and English common sense.

Nor was this accomplished without many a sigh from the living old school conservatives of the day. When at last it was seriously proposed to abolish “contingent remainders,”—the very poetry of legal abstractions—one of this class is said to have exclaimed “abolish contingent remainders! Why not repeal the law of gravitation?”

The quaint rubbish that had gathered around the body of the common law, in the progress of a thousand years, like the sea weed and barnacles that grow and cling to the bottom of a noble frigate, was scraped off by the hand of reform, till courts and the popular mind have begun to sym-

pathize with each other in the new revelation, that the ends of justice had better be sought for, than its antiquated forms and machinery preserved.

When we consider what has been accomplished in England since 1828, when Lord Brougham made his first great speech upon the necessity of legal reform, we shall find that it has not been limited to matters of form and detail alone. It has pervaded the spirit of English Jurisprudence, embracing alike the interests of commerce and the arts, while it has moulded and fitted these to the prescriptive rights of birth, and the rents and burdens of the tenantry of the soil.

It is a green and vigorous life springing out of and sustained by the firm old buttresses which were reared by Titan hands away back in the obscurity of ages.

Around the walls of that old Abby—old almost as the Common Law itself—within whose aisles, the portrait statue of Lord Mansfield holds an honored place among monuments of kings and nobles, of statesmen and poets, and heroes, the green and glossy ivy has twined itself into a shroud of living verdure. But there is a principle in its very growth that endangers the stout old fabric to which it clings. The fibres and tendrils of its roots search out every softening and decaying particle, every crack and scale in the stone work of which it is composed, and with almost magic power loosen and eat out the very walls themselves, so silently, yet so irresistibly, that new materials are constantly being supplied to preserve it from a slow but certain decay.

Such is the care and skill, the wisdom and foresight, which are perpetually demanded in an age of change, and a vigorous parasitical growth to preserve that venerable fabric of the Common Law, in which are found so many noble monuments of past ages, and such rich treasures of constitutional liberty and personal right.

It is a matter of state, and even national pride, that while the mother country is striving to adapt her laws, in

respect to personal rights, and her forms of attaining private justice, to the wants of her citizens, she has, perhaps unconsciously, copied so largely from the simple laws and customs of these, her off-shoot republics.

When, therefore, we turn to the records of our own commonwealth, during the same period to which I am limited, we may indulge something like a feeling of gratified self-love to see how little occasion there has been for anything like a radical reform here.

That we have seen changes it is true, but profound as is presumed to be the wisdom of our legislatures, it may, in the end, be discovered that even legislative change is not always improvement or reform.

And, if I might look abroad for illustration, I might venture to doubt the successful working of a system which makes the popular voice the criterion of judicial fitness for office.

It will be long, I fear, before we shall see a Kent, or a Livingston, or a Spencer, rising out of that bubbling cauldron whose ingredients are to be supplied from time to time by the popular passions of Whigs or Republicans, of Hard shells and Soft shells, of Know nothings and Know some-things, as they one after the other snatch at the spoils that feed their patriotism.

But without anticipating what are to be the fruits of reform here, let me pay at least this tribute to the present and the past.

For many years the business associations of my life have been with the courts of Massachusetts. That feeling of respect, almost of awe, with which I first looked upon the venerable men who then graced these seats of justice, has hardly lost the freshness of association by familiarity.

Of the changes that have taken place in the incumbents of the highest of these, it may not be delicate for me to speak individually on this occasion. But while I speak of the past, in paying a humble, but just tribute to the courts



of our own commonwealth, I might extend my remarks to other courts, state as well as national, whose presence and learning I have been permitted to witness.

The feelings of veneration with which an American Lawyer first enters the courts of Westminster Hall, are partly traditional, and partly the result of the associations and circumstances by which he finds himself surrounded.

Those who have read, and who has not? the sketch of Warren Hastings, by Maccauly, will at once recall his magnificent description of the scene of the trial of his impeachment.

That glorious old Hall, built by William Rufus, the scene of so many of the great events in English History, two hundred and seventy feet in length, and ninety in height, without a column or pillar, or any thing to break the effect of its imposing gothic proportions, serves as a vestibule to the respective apartments, in which these courts are held.

But for the mind, already excited by the recollection of events connected with the history of the hall, through which he has just passed, there is nothing to awaken an emotion in the style or magnitude or decorations of the pent up quarters into which these courts are crowded.

He is, however, any thing but to be envied, who can stand in the conscious presence where Coke, and Hale, and Mansfield, and Ellenboro have sat in judgment, and Dunning, and Wedderburn, and Erskine, and Follet have pleaded, without feeling awed by the very genius of the place.

Pardon the seeming egotism, if I say, it was the first object I sought in that vast metropolis, and the spot to which I directed my daily walk, with feelings like those of a pilgrim at the shrine of his devotion.

I looked upon that array of Judges in their robes of office, and I heard them addressed as "Your Lordships" by titled Barristers, and Crown officers among the leading men in Parliament, with a profound respect that was not all assumed. I saw members of these courts presiding over trials at *Nisi Prius*, in causes which enlisted some of the first tal-

ent in the land. And I felt more than I could utter, as I stood within those precincts, where the associations of the past mingled with the emotions which novelty and the imposing dignity of the scene could not fail to awaken.

But when I came to analyze this spectacle, to lay aside for a moment the adventitious decorations and historic associations—to regard only the men of whom the bench was composed, grave, learned and reverend as they were, and to listen to their occasional remarks, and their more elaborate opinions, it seemed to me, that for true dignity, high judicial bearing, quick apprehension, patient attention, and seeming impartiality, we need not go to Westminster Hall for better models than we may find at home.

Without undertaking to compare the present condition of the Bar of Massachusetts, with what it once was, it is safe to affirm that a system of educational training, of practice and of professional intercourse and deportment, which reared and fitted the men who have honored these seats of Justice, should be approached with some distrust, at least, by him who should seek to revolutionize or reform it.

And yet, the attempt to do this has been ruthlessly made more than once, within the recollection of some of us, and a radical change has been thereby wrought in the constitution and preparation for the Bar. Instead of the period of three or five years novitiate, which was once required before entering the outer courts of the sanctuary of the profession, and tarrying in that middle ground, between hope and fruition, for two years, and yet another two years before donning the robes, and title, and privileges of a "Counsellor," he now starts "from the rough," and in two short years, by the polishing process of what goes by the name of an "examination," comes out the fit companion and associate of the very sages of the law.

And what must strike the uninitiated as something like a solecism, the more books there are to read, the less is the time necessary for the task. The more the relations of



business and society become multiplied and complicated, the more quickly are they mastered, and the higher the demands for scholarship, learning and mental discipline in the profession, the less the occasion to acquire either, before entering it, and claiming its honors and its rewards.

We witness as the fruits of one branch of this reform, the scattered and uncared for county libraries of which the excise, cheerfully contributed by the older members of the bar, had laid a creditable foundation. But I leave the memory of such a reformer to the blessings of him, who, after seeking in vain in the place where it should be, the volume, always the missing one, which he most needs, plods back to his office and recalls the cause of his disappointment and his fruitless search.

And yet, there have been changes during this period in some of the details of our legal system, which many were disposed to regard as veritable reforms. All of us have read of the beauties and charms of special pleading, which drew forth from my Lord Coke, among others, such high and frequent eulogiums. With him, words were, literally, things, and "placitum a placendo,"—to plead well and to please well, were, in his mind, an obvious synonym.

But to a layman who has never mastered this refined system of the keenest logic, I fear it would be useless, if I were able, to describe its beauty and its symmetry, or to show the use of pleas, and rejoinders, and surrejoinders, and rebutters, and traverses, and demurrers, which the skillful players in the legal game of chess, play out like pawns on the chess board, before they bring forward the pieces by which they are eventually to win.

When I think of the power of old associations, and remember that our meeting is not limited to those of our own number, I know not how far it is safe to confess the part which this Bar took in the blow that struck down that ancient system. A report prepared by their direction, upon the subject, is still extant, which found its way into the

newspapers of the day, and was nearly coincident with the act of the legislature of 1836, which declared that "in every civil action hereafter to be tried—all matters of law or fact in defence of such action, may be given in evidence under the general issue, and no other plea in bar shall be pleaded."

But whatever were the motives for such a reform, whether because its advocates knew too much or too little, to stand by a system which had engaged the keenest minds and sharpest intellects at the English Bar, it had, at least, the apology of being designed to simplify and render intelligible the proceedings of our courts, and to do something to save, if possible, a sacrifice of justice to the mysteries of technicality.

But it is true, that even after this, the language of law papers was not reduced to the homely vernacular of the nursery or the work shop, and a man was, sometimes, shocked to learn that he had been guilty of "trover and conversion" in claiming property that he owned, or to see some hasty expression of contempt for a blackguard, spread out into a volume by colloquia and innuendos, and exaggerated expletives, under the verbiage of which, the charge itself, like Falstaff in the buck basket, was well nigh smothered by the foul and offensive coverings beneath which it was brought into court.

But, after all, these were harmless excrescences upon a system which had become venerable by age, and respectable by the ends at which it aimed, and the results which it ordinarily attained. And when, therefore, it was proposed to efface old lines, and simplify what in the nature of things must be more or less complex, by merely giving it a new name, there were those who innocently doubted whether there was much of progress in such a reform.

There are those who, even now, can no more readily discern the subject of a suitor's complaint, because he is told it is a "tort," than if it had been spoken of as "Trespass,"

or "Case," in the brief, terse, customary language in which, until lately, the Plaintiff told the tale of the wrongs for which he sought redress.

One of the prominent events in the legal history of Massachusetts during the period of which I am speaking, was the revision of her statutes.

The arduous and responsible duty of rendering a mass of intricate and often conflicting legislation, simple and intelligible, was confided to a commission whose character and capacity were a guaranty that the work should be faithfully and ably done.

But thoroughly, and as was fondly believed, completely, as this revision was accomplished, the love of change, and spirit of innovation, prompted by the new and growing wants of a community with such varied interests, had swelled to a volume of near a thousand pages, and demanded a new revision, even while one of the former commissions yet survived. That work is in able hands,\* and if it shall be accomplished as successfully as the one which it is to supersede, posterity will owe a debt of gratitude to their labors, like that which it has paid to the memory of those who preceded them in that important field.

The last of that number has just gone down to an honored grave in a ripe old age, bearing with him the veneration and respect of an entire community.

The place upon the bench has long since been filled which he graced and honored in the vigor of his manhood, and the world will go on as if he had never taken a prominent part in its affairs. But in giving an outline of the legal and judicial history of Massachusetts for the last quarter of a century, the record would be incomplete that did not present, prominently, among those whose character and labors as jurists have distinguished it, the name of CHARLES JACKSON.

\* The commission consists of Hon. Judge Parker, of the Dane Law School, Hon. Mr. Richmond of Adams, and Hon. Judge Richardson, of Lowell.

The truest annals, perhaps, of the progress of the law are to be found in the reported decisions of our courts.

So far as our own Commonwealth is concerned, though one of the earliest to make provision for their publication, the work is of a comparatively recent date.

The earliest volume of our reports contains the decisions of the year 1804. Sixty-two more volumes have been published since that time, thirty-five of which have been given to the public, within the period of which I am speaking, and materials for other volumes are nearly or quite ready for the press.

Of the extent, variety and accuracy of the learning they contain, the vast amount of labor and untiring industry they evince, and of the research and scope of thought necessary to their production, I need not, even if I had time, speak at large before such an audience.

If the legislation of a state furnishes one of the best means of studying its political history, the reported decisions of its courts serve as, perhaps, a scarcely less accurate criterion of the slow, impalpable, yet certain progress which its unwritten law is making, to keep pace with the sentiments, and wants, and character of its people. Principles which at one period are little more than hinted at, or shadowed forth with hesitation by its judges, become, in time, elementary in their character, and their soundness no one presumes to question.

These may not partake of the fluctuation of public sentiment, but I greatly mistake, or we shall perceive as we glance at the contents of these successive volumes, that there are classes of topics prevalent at one time, which nearly subside at others, and that great issues which engage the public attention at one period, are scarcely heard of at another.

That these currents in the popular mind should influence, often unconsciously, the judicial mind of the state, is but saying what so many believe, that those who are to act as

interpreters of the law, should take part in the actual administration of it. Shut up the wisest man in a cloister, and surround him only with the records of the past, and let no whisper of what is passing in the great world around him, reach his ear, and though you make him as learned and impartial as Justice herself, you make him at best but a monk in ermine.

It has seemed to me that there was something like a public pulse in the law, which accurate observers, situated as our courts are, often feel without knowing how its movements reach their consciousness, and if it acts upon courts in modifying old dogmas, or infusing new elements of life into the body of our jurisprudence, it is, in its turn, acted upon by the direction it receives from the calm judgment, the trained sagacity, and authoritative opinions of their Judges.

In view, therefore, of what we have read of the changes through which our law is passing, while many a rough, ugly excrescence has been removed, that marred its symmetry and beauty, we find new blood infused into its system, and new vigor vitalizing its action.

There are one or two legislative reforms, which I ought not to pass over in silence.

Much as I idolize the *stability* and *consistency* of popular favor, I am obliged to confess, in regard to one of these reforms, that from early prejudice, or other infirmity of judgment, I have at times supposed that the Judges of our Supreme Courts, taken collectively, were better able to determine the constitutionality of a law, than a man drawn for the first time from the farm, or the 'shop, to serve on the panel of a Common Pleas Jury.

But as our law makers of 1855 thought otherwise, I am bound to yield this traditionary impression to their superior wisdom, and set it down to the progress of the last quarter of a century, unless the example of one branch of the present legislature should tend to restore some of the old fashioned notions of our fathers.

As we cast our eyes along the history of our race, it is refreshing to see the part which chivalry has taken in improving the social and moral condition of mankind.

Fortunately, the spirit is not dead, and most fortunately, it still delights in tilting its lance in the cause of the oppressed of the fairer, I hardly dare say, weaker sex.

And that, too, has been at work even in the field of legal reform.

We all remember what a cry, as of captive maidens, and enslaved matrons, went up from convention after convention a few years since.

It could not fail to arouse the spirit of chivalry, sometimes dormant, but never dead.

It was found that the age had got in advance of such old times, as "*Femes covert*," "*Marital rights*," and the like. So far as the sexes were concerned, "*Duties*" became a noun of masculine gender alone. While "*Rights*" put on the feminine garb, or at least, the "bloomer" part of it, to be seen and read of all men.

And nobly and effectually was the work accomplished. It has relieved young men from temptation, and many a poor lawyer who might have sold himself for a certain price, payable in lands and stocks, will be put upon his guard in making heart investments hereafter.

It may be no serious obstacle in the way of love and romance, but when he remembers that all that a woman hath, at the time of her marriage, remains "her sole and separate property," "not subject to the disposal of her husband," and what is better, not "liable for his debts," he may, like a class of modern politicians, be led to calculate the "value of the union."

But the chief glory of this chivalrous measure consists in the singleness into which marital rights have resolved themselves.

That old fashioned community of interests, a community of pursuits, which made it a kind of pleasant copartnership



to earn together a little competency, for what even now is common property—their children—has become absolute by law.

Now the married woman, happily relieved from any occasion of being another's help meet, "may carry on," in the language of the Statute, "any trade or business, and perform any labors or services, on her own *sole* account," and her earnings shall be "her sole and separate property."<sup>\*</sup>

This is the last chapter in the history of legal reform. What is to be the next, I must leave for my successor to record.

But, if in its progress, we are to listen upon the Sabbath to the devotions of some St. Agnes, or, upon a week day, to the learning and eloquence of a Portia at the Bar, or a Novella of Bologna in the Law Lecture Room, or see sickness robbed of half its pain and most of its terror, by the dulcet tones and delicate little doses with which beauty shall battle with disease, those who may stand, at the end of another quarter of a century, where we do now, may, as they look back upon our unfortunate condition, borrow the measure of one of England's poets, if they do not his language, when they exclaim, as they doubtless then will,

Law's thorny field was but a tangled wild,  
Till woman tilled it, when it bloomed and smiled.

When I turn to the recollections of the last twenty-five years which are awakened by the history of our own Bar, and our own County, while there is much over which to rejoice, there is not a little over which an old man may almost be justified in dropping a tear.

Shall I speak of the social changes in the habits and intercourse of the Bar, which have grown up within that period?

I know I am entering upon perilous ground. To doubt that we live in an age of progress, to hint that railroads and telegraphs are not of unmingled and unmeasured good

<sup>\*</sup> Stat. 1855, c. 304.

to man, or to dare to think, much more to say, that the present does not outstrip the past in every thing that goes to make up life, will sound, I am aware, like the very key note of "Fogyism" itself.

But there are a few, sorry am I they are so few; who can go back with me to our courts, our "court weeks," and our Bar gatherings, before the period of which I am speaking.

What a contrast with the present! "Court week" was then literally what it was called, instead of reaching in one continued session, as now, from the earliest harvest home, round to the latest planting season, and the forty-one days of term time of the C. C. Pleas in 1831, grown to one hundred and forty-two in 1854. And those who came to court, did so to some good purpose. It was for the business and relaxation of a week, instead of whisking in upon a rail in the morning, to look at the list on the clerk's desk, like the numbers in the managers' report of an old fashioned lottery drawing, and to guess how many weeks it will be before he must go through the same interesting process again, and then home by the next train before nightfall.

Oh the "dies fasti!" when, within the charmed circle of the Bar, greetings were exchanged, groups were gathered, and dignity unbent. But it was the evenings, those "*noctes ambrosianæ*" of court weeks, alas! with those who enlivened them, now only among the things that are passed—that told the strongest upon the life of the lawyer of that day.

Could the parlors of the two or three boarding houses where they congregated, repeat the wit, and re-echo the laugh, and tell of the jokes and humor in which even grave judges sometimes shared, after the duties of the day were over, we might, as they did, gather up a store of pleasant memories to serve as bright new coinage, for the small change of social life and convivial intercourse.

And why should I speak, unless it is to sigh over them, of those other social gatherings, where the Muse oft times sat down with us at the festive board, and the best of fellows,



the best of lawyers, and some of them, afterwards, the best of judges, poured forth the best of poems and the best of jokes into the ears of the best and kindest of critics?

Those days are indeed gone by—"Qualis eram non sum." And though I would not go back to the days of the old stage coaches, and the one horse wagon, as the means of reaching justice, or throw a scruple's weight in the way of Temperance, I have sometimes thought it could do no harm if we should, sometimes, come together as if we were really social beings, and indulge, if no further, in listening to the traditions of days when at the firesides of Mrs. Blake and Miss Stearns, and around Stockwell's well spread table, there was sparkling of wit and the outgushing of warm hearts and cheerful spirits.

Pardon this local allusion, and set it down to the garrulity of a busy memory teeming with the little incidents of which so much of humble life is made up.

As I recal the history of the last twenty-five years of this County, I cannot forbear alluding to the condition of our County buildings.

The ugly old stone prison that stood hard by here, has disappeared. The inadequate accommodations furnished by the court house then and still standing, for the rapidly increasing business and population of the County, have been amply supplied by the structure in which we are assembled. It is alike a monument to the taste, the forecast, and the independence of a Board, who, though dependent upon a popular vote for their election, did not hesitate to obey the call of duty.

They acted for the County as it was, as it is, and, may we not hope, as it *will be*, for a century to come, the prosperous, thriving, independent, *united* community, which no true son of hers ever blushed to call his home, or failed to feel that her fame and her honor were a part of his own best heritage.

As we revert, again, to the record of our Courts, we find at the commencement of the period to which I am limited, four Judges upon the Bench of the Supreme Court.\*

One only of that number—"serus in coelum redeat"—now remains at his post of duty. Two sleep among the honored dead. PUTNAM, the able commercial lawyer and upright judge, the courteous gentleman, and the companion of ever ready and kindly sympathies, after a retirement from the bench of several years, was the first to pass away.

The last year has witnessed the departure of the other,† so long and so worthily associated with the first.

A few months since, I found him, of an evening, sitting in his study, and with an eye undimmed by age, reading Plato, to ascertain, as he said, what advances had been made in modern times in the science of morals and politics, and how much the world was indebted for its present condition, to the revelations of the Christian Religion. And as I thought of him as the profound lawyer to whose eye even the subtlest pages of the black letter folio were luminous and clear, and sat and listened to his cheerful, earnest conversation, in which the simple dignity of profound thought, was mingled with the pleasant recollections of the past, and the hopeful anticipations of the future, I could not but envy the man who had brought, out of the conflicts of so long a life, so rich a treasure of duties, consciously performed, of esteem and affection so worthily won, and of reputation for purity and uprightness of heart, and singleness of purpose, so universally accorded to him as a judge, which gave grace and dignity to his profound learning and impartial judgment.

Within the period spoken of, nine others have been called to fill places upon that Bench, one only of whom has gone to his reward.‡ And long may it be ere delicacy towards

\* Vid Appendix, A.

† Judge Wilde died June 22, 1855, Vid Appendix, A.

‡ Judge Hubbard died Dec. 24, 1847, at the age of 62.

the living, shall no longer restrain the utterance of what feeling might, otherwise, dictate.

Of the four judges\* of the then Court of Common Pleas, three have gone to join the generation that preceded them. Chief Justice WARD was known to us only by the reputation for learning and integrity which he had acquired in other parts of the Commonwealth.†

Judge STRONG was one of our own number.‡ A few of us remember him before he had been elevated to that place, when he honorably filled a seat in Congress, and was called thence to a vacancy upon the Bench.

With a good legal mind, and respectable attainments in his profession, he brought much experience in the practical affairs of life, to the business of the Court, and did much to elevate and sustain its character. He won the confidence of all, by his uprightness as a judge, and the diligence and fidelity with which he performed his duties. He retired from the Bench while his powers were unbroken, but found the evening of his days clouded by infirmity and disease, with which he struggled without complaint, and bore up against them with the dignity and cheerfulness of a good man.

The last of the three has passed away from the shades of retirement, within which he had lived for many years, within the last few months.§

Though wanting many of the qualities of a perfect judge,

\* Vid Appendix, B.

† Ch. J. Ward held the office from 1821 till 1841; He died Oct. 7, 1847, at the age of 84.

‡ Judge Strong was a native of Amherst, and the son of Hon. Simeon Strong, Judge of the Supreme Court. He was graduated at Williams College in 1798. He was admitted to the bar in 1803, and commenced business in Athol, and after remaining there about three years removed to Westminster. From 1812 to 1814 he was a member of the Senate, and again in 1814. In 1818 he was appointed Judge of C. C. Pleas, and retained the office till 1843. He removed to Leominster after his appointment to the Bench, and resided there till his death in 1850, at the age of 70.

§ Hon. Judge Cummings, who died March 30, 1855, aged 69.

there never was a more upright and honest man, or a more sincere lover of truth and justice, than he. What he lacked was due to his temperament alone. Every one felt that his instincts were all right, and that his judgment was guided by an honest purpose and high attainments in learning.

Never suspecting fraud in his own guileless nature, no one could be a more uncompromising foe to trick or chicanery when once detected. The sod does not rest on a kinder heart than that which once animated the manly form of Judge CUMMINGS.

Of the others who have been members of this Court within our period, I have not time to speak, though three of their number have been added to the starred names that are so rapidly swelling the catalogue of the eminent men that have departed from our midst.\* And the last mail brings the sad intelligence of another vacant seat and another stricken household. Sudden, fearfully sudden, has been the blow that has stricken down one whom we had fondly hoped to meet here this evening, and turned our joy into sadness. Greater and more brilliant men may have fallen, but a truer heart, a more upright judge, or a man of more honorable feelings or guileless life, is not left to commemorate or record the virtues of the dead.

The Court has, from various causes, been prolific in names. Twenty-two different Judges have held seats upon that Bench within the last twenty-five years. One of these causes, happily is, in part at least, removed.

As I contemplate the fact, that more than a thousand million of dollars of the wealth of the citizens of this commonwealth, owes no little of its security and value to a wise and impartial administration of her laws, I think, with anything but feelings of pride, of that penny-wise

\*Ch. J. Wells died June 23, 1854, aged 63. Judge Ward died May 29, 1848, aged 39. Judge Colby died Feb. 22, 1853, aged 44. He was Dist. Atty. of the Southern District after his resignation of the place of Judge. Judge Byington had accepted our invitation and was expecting to be present on the occasion of this address, when he was suddenly stricken down by disease.

policy which has, at times, ground down her judges to rates of compensation below what some of her private corporations pay for looking after the running of their rail cars, or the speed of their spinning jennies.

The Attorney and Solicitor General of twenty-five years ago,\* have passed away. Eminent in their day, they were long in office, and formed a connecting link between the class of lawyers who entered the Bar soon after the revolution, and our own times. Belonging to no particular locality, their history, their services, and their reputation, are rather the property of the whole Commonwealth, than the subjects of extended notice while treating of a single County.

Of the Judges of Probate, four have held office within our prescribed period.† With the presence of three of that number we are favored this evening, including him who presides over its proceedings.

The other‡ long stood as a kind of connecting link between the modern bar and the ante-revolutionary days, many of whose actors he had personally known.

After having held the place of County Attorney, he presided for more than an entire generation, with great approbation, over the duties of a Court which requires learning, patience, diligence, and a ready sympathy, and in 1840, at the ripe age of eighty-two, nearly sixty years from his admission to the bar, his name, like an old familiar land-mark, ceased to hold its accustomed place at the head of the lawyers of the then town of Worcester.

Four, during that period, have held the place of District or County Attorney, and another has recently been added to the list.§ Of these, including the last, four belonged to the Bar of this County.

Of one of these it may not be improper for one who

\*Hon. Perez Morton, Attorney General and Hon. Daniel Davis, Solicitor General. Mr. Morton was Attorney General from 1810 to 1832. He died Oct. 14, 1837, at the age of 87, in Dorchester.

†Vid Appendix, C.

‡ Judge Paine.

§ Vid Appendix, D.

learned by experience to appreciate his efforts in that office, to say that it was sometimes difficult for an antagonist to determine whether he was the most effectually subdued by his adroitness or his courtesy.

Another, though in brief possession of the office, I am unwilling to pass over in silence, though he was scarcely known beyond the limits of this Bar.\*

He came into the profession mature in years, and strong in native powers, but already the doomed victim of disease. He struggled with manly resolution and unshrinking fortitude, against a malady that would have crushed the hopes and spirits of an inferior nature, and won for himself, as a public officer, an approbation and respect which harmonized with the esteem in which he was held as a companion and a friend.

His fate was but a new illustration of the bright mark at which death loves to aim his fatal shaft.

Passing from this office to that of the principal Clerk of the Courts, we find that four have been incumbents of the place.† Here, too, I may not properly speak of but one of that number.

But in recalling the name of KENDALL, the modest worth, the amiable virtues, the scholarly tastes, and the unblemished purity which characterised his life, at once rise before the mind.

He had been a well read lawyer, though little fitted, by taste, for the rougher passages of the profession.

In Congress he belonged to a school of politicians—God grant it may not become quite obsolete—who, if they spoke, said what they meant, and voted for the right because it was the right.

He had doubtless been a greater man, and more eminent in his profession, had he felt the goadings of poverty, or

\* B. F. Newton.

† Hon. Abijah Bigelow, Hon. Jos. G. Kendall, Charles W. Hartshorn and Jos. Mason, Esquires.



the calls upon a husband, or a father's instincts for exertion. But the world has little to forgive when it comes to take the account of his life, and sees the preponderance of the good he accomplished.

Four have successively had in charge the executive duties of the County, in the office of Sheriff,\* and though two only of these were originally of the Bar, their connection with the Courts calls for a passing notice.

One only of these can be alluded to on this occasion. Of sound judgment, great practical knowledge, unbending integrity, and with a heart kind as that of a woman, he knew nothing like fear, and went right on, wherever the path of duty led. He knew neither friend nor foe, in his judgment of what was just, and when, to accomplish some party arrangement, it became necessary to sacrifice a model officer, he retired with dignity to private life, where he needed no extrinsic influence to command respect, and there and thus he died.

To speak of the Bar individually, would obviously exceed the limits of my time or your indulgence.

I find upon the List of Counsellors in 1830, the names of fifty-six, of Attorneys at the Supreme Court, sixteen, and of Attorneys at the C. C. Pleas the names of fourteen, making eighty-six in the whole. These were scattered in unequal numbers through thirty-five of the then fifty-four towns in the County.

Of that number, forty-five have died. Eighteen who are now living, have left the County, others have retired from professional life, till ten only now remain in practice at the Bar.

Within the period mentioned, from one hundred and forty to one hundred and fifty have been, at different times, or now are, members of the Bar, in addition to the eighty-six first mentioned. About ninety-five of these still remain connected with the profession in the County. Sixteen of the

\* Vid Appendix, E.

towns in which lawyers were settled in 1830, no longer enjoy the light of such luminaries of their own. Death, or an exhausted treasury, has driven them from the former scenes of their struggles.

These few statistics show the rapid changes that are constantly taking place in the condition of our Bar. A professional life is proverbially brief, and a young aspirant for its honors, has hardly got through wishing Providence to provide for the seniors that stand between him and success, before he finds himself equally a subject of the prayers of his juniors, who crowd and jostle him in his course, before he has hardly had time to measure his own speed.

For this, or some other reason, the prizes that are won, are few compared with the whole number that enter the arena to compete for them.

When we read of the receipts of some of the eminent English Barristers, or of some of the Bar of our own country, we make a false estimate of the true amount of success that is achieved by the profession at large.

Forced by the position in which they are placed, to assume the externals of competency, the public at large are little aware how often this gives a false impression as to professional success.

I am not disposed to complain, nor do I believe our own Bar has not been, when compared with others, reasonably successful and prosperous. But the statistics of the Probate office tell rather a sad tale.

Of the estates of forty-five of the lawyers of the County living in 1830, nine had no inventories returned, though these embraced some who had been the most successful. Twelve were either never settled at all, or settled in some other jurisdiction. Twenty had inventories or accounts rendered, only one of which exceeded fifty thousand dollars, and a very small portion only, if any, of that was the fruits of professional labor. Nine who had property, amounted to less than five thousand dollars each, and four of them aver-



aged less than seventy-six dollars each, while six of the estates were insolvent, as shown by the record, and there is good reason to know that of the twelve estates not settled here, at least seven were insolvent, making more than one in four of the whole forty-five estates, that were altogether insolvent.

It is certainly with very little pleasure that I refer to these results, and it is with far more grateful feelings, that I turn to what the Bar of Worcester County has achieved in the way of reputation.

I will not, however, in so doing, refer to the suggestions of my own partial judgment, but appeal to the recorded opinions of others, in the fact, that of those who are or have been living within the period of which I am speaking, three have held the place of Chief Magistrate, three that of Judge of the Supreme Court, and that a place upon that Bench was tendered to two others of the number.\* Four have been Judges of the C. C. Pleas. One for many years a Senator, and ten have been members of the House of Representatives in Congress, and one has been a Foreign Minister of the United States.†

Happy should I be, to speak in detail of most of those who once filled these places. As I run my eye along the catalogue of their names, their forms rise in fancy before me, and they seem to stand among us again, each in his own marked and well remembered traits of person and character.

The HASTINGS—father and sons.—The first, without the graces of oratory, was for many years a formidable antagonist before a Jury, and before the Court exerted an influence by his very respectable acquirements as a lawyer, and his ability as a reasoner.

The eldest of the sons was perhaps a better lawyer. He possessed much ready wit, was a man of honorable and agreeable qualities, and died in the midst of his usefulness and

\*Hon. John Davis, and Hon. Charles Allen.

†Hon. George Folsom, Minister at the Hague, from '49 to '53.

public honors, ere age had saddened life with its bitter experiences.

TUFTS—the man whom his friends knew better than the world did, and saw struggling, under the stimulus of an honorable ambition, to gain for himself a rank in his profession, while lurking disease was wasting the powers of his body, and consigning him to an early grave.

He lived long enough to enjoy a share of the public honors of the day, and won the public confidence, as he had done the esteem and affection of his associates.

JAMES—then of Barre, venerable in years, courteous in his bearing, modest and reserved in his temperament, passing through a long life without spot or blemish upon his modest fame.

GOODWIN—whose antiquarian and scholarly taste was but partially reconciled to the drudgery of the profession he had adopted.

FOSTER—the high souled, pure hearted scholar and gentleman, whose chief fault was an undue self-distrust of powers of a high order, and unfortunately for the full development of which, he was above that necessity which is the stern school-master of so many in that profession, which he early abandoned.

BROOKS—who for many years held a leading rank among the lawyers of this and a neighboring county, with a mind of great acuteness, well stored with legal principles, and whose earnestness and fidelity in the cause of his client, was acknowledged by all who witnessed his efforts before the Jury or the Court.

TAFT—who, though bred to the profession, was able to indulge a taste for rural pleasures and pursuits, and escape the drudgery of the law, but was always a genial companion at the bar, and was often honored by the expression of public confidence, by being called to offices of trust and honor.

Nor would I pass over in silence the name of STEBBINS.

He made no mark in his profession by his eloquence or learning, but he honored it by his incorruptible integrity, and though he laid aside its duties for a more congenial employment, he retained through life that high estimation of a true lawyer's character, which he had illustrated during the few years he was connected with it.

And there are names which start up spontaneously, at the very mention of a social hour.

LINCOLN—the lawyer, profound and learned for his years, the diligent student with his ever ready fancy, and playful wit, the genial companion and the man of taste and letters. If he ever did injustice to himself, he never was false to his faith, or disloyal to his friendship.

BALDWIN—whose sad and early fate was the only thing that ever brought pain in the associations which his name awakens. Wedded to a profession for which he had no sympathy, his happiest day was when he bade it adieu for a position far more congenial to his taste.

His like we shall never look upon again. His better qualities were best known to those who knew him best, since that never-failing flow of humor and good feeling which he always displayed, almost obscured, at times, the varied learning which he really possessed.

But long ere this, another familiar form must have arisen in fancy before your vision.\* For forty years he filled a place at the Bar, and saw one generation after another pass away in its rapid changes. His was a store of abstract legal principles, gathered by years of patient diligence in study, and his processes of reasoning, formed upon the models of the school men, made him a formidable antagonist, where industry in preparation, and the application of keen logic, could be brought to the encounter.

We miss him in our daily walks, we miss him at our social gatherings, and the last of his old associates will have passed away before the image of his striking figure shall

† Samuel M. Burnside, Esq.

cease, as fancy peoples the scene, to come and linger around a spot with whose duties so much of his long life was connected.

One other who had held the place of County Attorney, and at the commencement of the period of which I am speaking, was filling the responsible post of Secretary of the Commonwealth, since that time, came back to enjoy a few years of retirement, and then to follow where so many of his companions and associates had gone before him.\*

The field of literature was always more congenial to his taste, than the agitations and excitements of the profession, and neither his health nor his taste allowed of his again engaging in these, after giving up public life, and few of those who now fill these seats, know from personal observation, how to measure his talents or his worth.

But I am admonished that if ever anything like a sketch of the members of this Bar, who, within the last twenty-five years, have laid off the harness of life's toils and duties, is to be given to the public, the present occasion is altogether too brief to admit of its being done here.

And yet I should fail to meet your demands, or those of my own feelings, if I passed over in silence the memory of one who so long honored and adorned this Bar.†

This was not however, the only sphere in which he achieved distinguished success. His fame was a national one. But I leave for others to do that justice to his character as a statesman, which, too often, comes only when the jealousies and rivalries of party have been buried in the grave.

Of his characteristics in his professional career, I could dwell upon what a connection in business, and a long personal association, impressed upon my mind.

If he was not what may be called a technical lawyer, learned in the books, he had that sound judgment, clear ap-

\*Hon. Edward D. Bangs was Secretary of State from 1824 to 1836. He died April 2, 1838. He was a son of Judge Bangs, of the C. C. P.

† Hon. John Davis.

prehension, and almost infallible common sense, that enabled him to detect and apply the principle which was to guide in the decision of a question, however intricate, and to trace analogies and perceive distinctions, often subtle, the want of which so often misleads the most learned lawyer.

And having settled in the elaboration of his own mind, what the law, in any case submitted to him, should be, he was generally able, by diligent research, to bring to the support of his own conclusion, authority to sustain the position he sought to maintain.

I do not believe any court ever listened to an argument from him, without being enlightened, if not convinced. It was not the flippant citation of cases from digests, but the clear, simple statement of sound philosophy, mingled with a respectable and creditable amount of learning, judiciously and aptly applied.

Such a mind would have been invaluable upon the Bench, but a well founded apprehension of a want of physical ability to sustain its burdens, deterred him from entertaining a proposition to accept the place.

Of his efforts before a Jury, I hardly need to speak, where they have been so often witnessed.

There was an earnestness, an apparent candor and sincerity in his manner, a clearness of statement, a singleness of purpose, that never sacrificed the success of a cause to the graces or display of oratory, and, withal, a complete command of all the bearings of his case, that enabled him to carry it forward with a power which no opposing counsel ever failed to appreciate and respect, if he did not fear.

As a wise counsellor, an agreeable and entertaining companion, whose conversation always instructed, and whose playful kindness always delighted, no man ever went through the tangled wilderness of political and professional life, and left more for friendship to remember, and less to forget, than he, whose almost speaking countenance, in marble, greets us in our solitary walks in yonder cemetery.

I have spoken of the past, but what am I to say of the future of this Bar and their profession.

Of those whose names now swell its numbers, how few will be left at the end of another quarter of a century, to recal those of us who take part in the festivities of this evening.

As I contemplate the past, and address myself to those who are hereafter to occupy this Bench and fill these seats, I cannot better express the deep sensibility which the thought awakens, than borrowing the language of that comprehensive prayer, "*Sicut patribus, sic vobis.*"

We have seen enough of change in our own day, to read change and progress in the shadowy history of the future.

In the growing and multiplying relations of business and social life, new questions of interest and moment will, doubtless, arise, in the determination of which the same process of keen analysis, broad speculation, and far-reaching foresight, must be brought into exercise, by which the questions of this and a former generation have been mastered, and the imperishable fabric of the common law built up.

To prepare men for a work like this, requires an education and a training which can only be acquired in the school of the Bar

Little does the world, at large, know of the part which an able and educated Bar plays in the business of self-government, in a free state.

It is not merely in giving form and direction to the legislation of such a state, but what affects more nearly the enjoyment of personal protection, and the security of personal rights, it puts the power of the law within the reach of every citizen.

There is a spirit of power and injustice warring upon unprotected weakness, now, as much as in the days of chivalry of old, though it may not manifest itself by such open deeds of oppression.

The arena, moreover, in which battle is to be made for



the right, is no longer the listed field, but the Hall of Justice, where, though the champion be not indeed mailed in armor, as true faith, as fearless courage, and as devoted fidelity are demanded, as ever signalized a Richard or a Bayard.

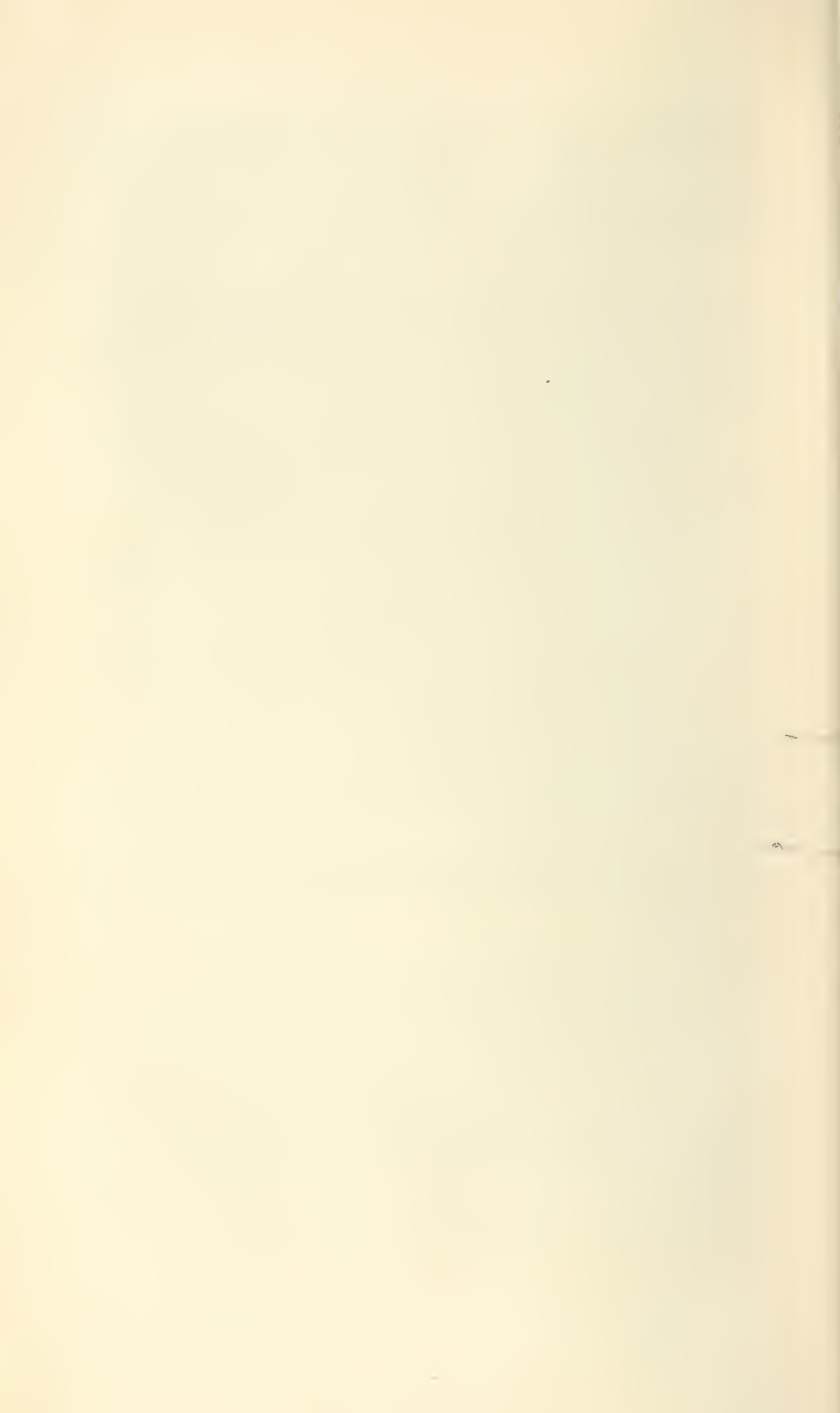
And say what men may of the profession, there is in that assurance which every body feels in having the arm of a fearless advocate to rest upon, that which half disarms oppression of its power, and gives to the feeblest the strength of a trained and disciplined champion.

In the facility, however, with which men now force their way into the profession, there is no little danger that there may be found those whose character may gradually undermine this public confidence in professional faith and honor.

In view of contingences like these, I can hardly exaggerate the importance of cultivating in the profession that feeling of self-respect, which shall preserve it from grovelling motives and unworthy conduct. The science they profess is a noble one, and its investigation and pursuit demand the highest powers of well trained and honorable minds.

But I have already taxed your indulgence too severely, to dwell any longer upon the inseparable connection there is between the character of a people's laws and the growth, happiness and prosperity of a nation, and I hasten to close this imperfect presentation of our subject, in the language of another.

“At what time Law commenced, we inquire not—whether its origin was in any respect supernatural or not, is of no moment at present, but certainly it was when human passions were seen tearing the weak and defenceless, when individual greed, individual lust, individual hate, and most cruel and perilous of all, individual revenge, ranged like beasts of the forest amid a flock, that Law unbared her beautiful brow, and bade them all cower beneath the eye of reason.”





## APPENDIX.

---

### A.

The Judges of the Supreme Court in 1830 were,

Hon. LEMUEL SHAW, Ch. J.;

Hon. SAMUEL PUTNAM;

Hon. SAMUEL S. WILDE;

Hon. MARCUS MORTON.

Judge PUTNAM resigned his seat upon the Bench Jan'y 26, 1842, and retired altogether from public life. He removed from Salem where he had formerly lived, to Boston, many years before his death. He died July 3, 1853, at the age of 85. He had succeeded Judge Parker upon his promotion to the place of Chief Justice in Sept. 1814. He was succeeded by the Hon. Samuel Hubbard of Boston, Feb'y 22, 1842.

Judge WILDE retained his seat upon the Bench till Nov. 5, 1850. He was appointed June 17, 1815, in the place of Judge Daniel Dewey deceased, and was succeeded by Hon. Geo. T. Bigelow. He resided in Hallowell when appointed, but upon the separation of Maine from Massachusetts removed to Newburyport. But for many years before his death resided in Boston. He died June 22, 1855, at the age of 84.

Judge MORTON held the place of Judge till Jan'y 1840, when he was elected Governor of the Commonwealth. He was appointed to the place July 4, 1825, as successor to Hon. Levi Lincoln. The number of Judges having been again reduced to four upon his election as Governor, no successor was appointed.

Hon. CHARLES A. DEWEY was appointed to the Bench under a law of 1837, increasing the number of Judges of that Court to five. He received his appointment May 25, 1837.

HON. SAMUEL HUBBARD succeeded Judge Putnam, Feb'y 22, 1842, and held office till his death, Dec. 24, 1847, and was succeeded by Hon. Charles E. Forbes of Northampton.

HON. THERON METCALF was appointed to the Bench Feb'y 25, 1848, the number of Judges of the Court having been increased by an act of the legislature to five.

HON. CHARLES E. FORBES succeeded Judge Hubbard, Feb'y 7, 1848, and held office till the following October, when he resigned and was succeeded by Hon. Richard Fletcher of Boston.

HON. RICHARD FLETCHER was appointed in place of Judge Forbes, Oct. 24, 1848, and held office till Jan'y 1853, when he resigned and was succeeded by Hon Benjamin F. Thomas.

HON. GEO. T. BIGELOW succeeded Judge Wilde, Nov. 1850.

By an act of April 20, 1852, the number of the Judges of the Court was increased to six.

HON. CALEB CUSHING was appointed under this act a Judge of the Court, and held the place till his appointment as Attorney General of the United States in 1853.

HON. PLINY MERRICK was appointed his successor, March, 1853.

HON. BENJAMIN F. THOMAS succeeded Judge Fletcher, Jan'y, 1853.

The Bench, therefore now consists of

HON. LEMUEL SHAW, CH. J.;  
 HON. CHARLES A. DEWEY;  
 HON. THERON METCALF;  
 HON. GEORGE T. BIGELOW;  
 HON. BENJAMIN F. THOMAS;  
 HON. PLINY MERRICK.

## B.

The Judges of the C. C. Pleas in 1830, were

HON. ARTEMAS WARD, CH. J.;  
 HON. SOLOMON STRONG;  
 HON. JOHN M. WILLIAMS;  
 HON. DAVID CUMMINGS.

Hon. Judge WILLIAMS succeeded Chief Justice Ward in

1841, and held office till his resignation in June, 1844, when he was succeeded by Hon. Daniel Wells of Greenfield, July, 1844.

Hon. CHARLES H. WARREN of New Bedford was appointed to the place of Judge Williams, promoted in 1841, and held office till his resignation in June, 1844.

Judge STRONG resigned in 1843, and was succeeded by

Hon. CHARLES ALLEN of Worcester, who was appointed in 1843, and resigned in 1845.

On the 1st of March 1843, the number of Judges was increased to five, and to fill the place thus created,

Hon. PLINY MERRICK of Worcester was appointed Judge of this Court, and held the place till 1848, when he resigned.

Judge CUMMINGS resigned the office in June 1844.

Upon the resignation of Judges Warren and Cummings, Emory Washburn and Joshua H. Ward were appointed to the seats thus vacated, in July 1844.

Judge WARD held office until his death, May 29, 1848, and was succeeded by Judge Byington.

In March 1845, the number of the Judges of this Court was increased to six.

Hon. HARRISON G. O. COLBY of New Bedford was appointed soon after to the new seat, and resigned in 1847.

Hon. LUTHER S. CUSHING was appointed in 1845, in place of Judge Allen.

Hon. CHARLES E. FORBES succeeded Judge Colby in 1847, and held office till Feb'y 7, 1848, when he was appointed to the Bench of the Supreme Court.

Judge WASHBURN held office until Dec. 1847.

Hon. EDWARD MELLE of Wayland was appointed to the Bench to succeed Judge Washburn, and succeeded Chief Justice Wells in 1854.

Judge CUSHING was appointed reporter of the Supreme Court upon Judge Metcalf's promotion to the Bench in 1848, and was succeeded by

Hon. GEORGE T. BIGELOW of Boston, who held office until his appointment to the Supreme Court in Nov. 1850.

Hon. HORATIO BYINGTON of Stockbridge was appointed to succeed Judge Ward in the summer of 1848, and held office till his death, February, 1856.

Hon. JONATHAN C. PERKINS succeeded Judge Forbes, upon his promotion to the Supreme Court in 1848.

Hon. THOMAS HOPKINSON of Lowell was appointed to succeed Judge Merrick, upon his resigning his seat upon this Bench in 1848. He held office until 1849, when he resigned and was succeeded by

Hon. E. ROCKWOOD HOAR of Concord. He held office till 1855, when he resigned and was succeeded by

Hon. HENRY MORRIS of Springfield.

Hon. PLINY MERRICK was a second time appointed to the Bench to succeed Judge Bigelow, on his promotion to the Supreme Court, Nov. 1850, and held office till his own promotion to the same Court in March, 1853, when he was succeeded by

Hon. GEORGE N. BRIGGS of Pittsfield.

May 24, 1851, an act was passed increasing the number of Judges to seven, and Hon. Henry W. Bishop of Lenox was appointed to the office thus created.

Chief Justice WELLS died June 23, 1854, and Judge Mellen was promoted thereupon to the vacancy thereby created, and his own place was filled by the appointment of

Hon. GEORGE P. SANGER of Boston.

The Court now consisting of

|                |   |           |
|----------------|---|-----------|
| CH. J. MELLEN, | } | Justices. |
| PERKINS,       |   |           |
| BISHOP,        |   |           |
| BRIGGS,        |   |           |
| SANGER,        |   |           |
| MORRIS,        | } |           |

C.

#### JUDGES OF PROBATE.

Hon. NATHANIEL PAINE from 1801 to 1836.

Hon. IRA M. BARTON from 1836 to 1844.

Hon. BENJAMIN F. THOMAS from 1844 to 1848.

Hon. THOMAS KINNICUTT 1848.

D.

#### COUNTY AND DISTRICT ATTORNEYS.

Until 1832, the old system of County Attorneys for the several

counties was retained. By an act of that year the State was divided into Districts. The middle District embraced Worcester and Norfolk Counties.

This continued until May 1852, when Worcester county was created into a separate District.

HON. PLINY MERRICK was appointed County Attorney for the County of Worcester in 1824, and held the office till the creation of the District system, when he was appointed the first District Attorney for the Southern District, and held the office till his appointment to the C. C. Pleas, in 1843.

HON. EZRA WILKINSON was appointed to succeed Judge Merrick. He belonged to Dedham, and upon the District being divided ceased to act for Worcester County.

BENJAMIN F. NEWTON, Esq., of Worcester was appointed District Attorney of the new Middle District. He held office till his death the succeeding year, and was succeeded by

P. EMORY ALDRICH, Esq., then of Barre. He was superceded and removed by Governor Gardner in Dec. 1855, and

JOHN H. MATHEWS, Esq., of Worcester was appointed in his place.

## E.

### SHERIFFS.

HON. CALVIN WILLARD of Worcester held the office in 1830, having been appointed in 1824. He resigned office and was succeeded by

HON. JOHN W. LINCOLN of Worcester, who held the place till his removal by Governor Boutwell in 1851.

JAMES ESTABROOK, Esq., was appointed to succeed Col. Lincoln, and continued in office till removed by Governor Clifford in 1853.

GEORGE W. RICHARDSON, Esq., was commissioned upon the removal of Col. Estabrook.

## F.

### THE BAR.

The following names were borne upon the List of Members of the Bar in 1830, although some of them were not actively en-

gaged in the business of the profession. Counsellors are distinguished by C. prefixed to their names, Attorneys of the Supreme Court by A. and Attorneys of the C. C. Pleas by a., prefixed to their names. Those who have died are distinguished by \*. Those who have removed from the County by r., annexed to their names. Those withdrawn from practice by †, and Members of Congress by M. C. annexed. Members of the Senate of Massachusetts in italics.

- C. *Charles Allen*, Worcester. M. C.
- A. Samuel C. Allen, Mendon, Grafton.
- C. *Benjamin Adams*,\* Uxbridge. M. C.
- C. Jesse Bliss,\* West Brookfield.
- C. *William B. Banister*,\* Brookfield, r.
- C. David Brigham,\* Fitchburg, r.
- C. *Ira M. Barton*, Oxford, Worcester.
- C. *Lewis Bigelow*,\* Petersham, r. M. C.
- C. Aaron Brooks,\* Petersham.
- C. Frederick W. Bottom,\* Southbridge.
- C. Christopher C. Baldwin,\* Sutton, Barre, Worcester.
- C. Samuel M. Burnside,\* Worcester.
- a. Peter C. Bacon, Dudley, Oxford, Worcester.
- a. Jason B. Blackington, Holden, r.
- a. David T. Brigham, Worcester, r.
- C. Sumner Bastow,\* Sutton, Oxford.
- C. *Linus Child*, Southbridge, r.
- a. Amos Crosby,\* Brookfield.
- C. John Davis,\* Charlton.
- C. Alexander Dustin,\* Sterling.
- C. † George Davis, Sturbridge.
- C. John Davis,\* Worcester, M. C.
- C. *Isaac Davis*, Worcester.
- A. † Matthew (James) Davenport, Boylston.
- a. Francis Deane, Southboro', Uxbridge.
- C. *Nath'l P. Denny*, Leicester. r.
- C. *Waldo Flint*, Leicester, r.
- C. *Alfred D. Foster*,\* Worcester.
- a. Barlow Freeman,\* Warren, r.
- C. † William E. Green, Worcester.

- C. Isaac Goodwin,\* Worcester.  
 A. Daniel Gilbert,\* North Brookfield,  
 A. †William N. Green, Worcester.  
 a. Arad Gilbert, W. Brookfield, r.  
 C. *Nathaniel Houghton*,\* Barre.  
 C. Ephraim Hinds, Harvard, r.  
 C. *Seth Hastings*,\* Mendon. M. C.  
 C. *William S. Hastings*,\* Mendon. M. C.  
 C. Nahum Harrington,\* Westboro'.  
 C. Daniel Henshaw, Worcester, r.  
 A. *Charles C. P. Hastings*,\* Mendon.  
 A. Jubal Harrington, Worcester, r.  
 C. Eleazer James,\* Barre.  
 a. Silas Jones, Leicester, r.  
 C. †*Thomas Kinnicutt*, Worcester.  
 C. *Joseph G. Kendall*,\* Leominster, Worcester. M. C.  
 A. Joseph Knox, Hardwick, r.  
 C. William Lincoln,\* Worcester.  
 a. George W. Livermore, Millbury, r.  
 C. Seth Lee,\* Barre.  
 C. Clough R. Miles, Athol, Millbury.  
 C. Jacob Mansfield,\* Warren, r.  
 C. *Pliny Merrick*, Worcester, r.  
 C. *Rejoice Newton*, Worcester.  
 A. Jos. W. Newcomb, Templeton, Worcester, r.  
 C. William Perry,\* Leominster.  
 C. Rufus Putnam,\* Rutland.  
 C. Nathaniel Paine,\* Worcester.  
 C. †Charles G. Prentiss, Worcester.  
 A. Joseph Prentice, Douglas, r.  
 A. Thomas Pope,\* Dudley.  
 C. Onslow Peters,\* Westboro', r.  
 A. Henry Paine,\* Worcester.  
 a. William Pratt,\* Shrewsbury.  
 C. Warren Rawson,\* Mendon.  
 C. †Samuel Swan, Hubbardston.  
 C. William Stedman,\* Lancaster, Charlton. M. C.  
 C. *Moses Smith*,\* Lancaster.  
 C. Jonas L. Sibley,\* Sutton.



- C. Simeon Saunderson,\* Westminster.  
 C. Heman Stebbins,\* Brookfield.  
 C. *George A. Tufts*,\* Dudley.  
 C. † *Ebenezer Torry*, Fitchburg.  
 C. *Bezaleel Taft, Jr.*,\* Uxbridge.  
 C. † Joseph Thayer, Uxbridge.  
 A. William M. Towne,\* Worcester, r.  
 a. Edward J. Vose,\* Worcester,  
 C. Harry Wood,\* Grafton.  
 C. † Jared Weed, Petersham.  
 C. *Lovell Walker*,\* Templeton, Leominster.  
 C. *Emory Washburn*, Leicester, Worcester.  
 C. *Nath'l Wood*, Fitchburg.  
 a. George R. M. Withington, Boston, Lancaster.  
 a. Charles Wadsworth, Barre, Worcester, r.  
 a. † Solon Whiting, Lancaster.  
 a. Otis C. Wheeler,\* Worcester.  
 C. Joseph Willard, Lancaster, r.  
 C. Abijah Bigelow, then clerk &c., Worcester. M. C.  
 C. *Levi Lincoln*, then Governor, Worcester. M. C.  
 C. Edward D. Bangs,\* then Secretary of Commonwealth.  
 C. *Calvin Willard*, then Sheriff.

Those who have been members of the Bar since that time, are arranged alphabetically below, without regard to whether they were originally Counsellors or Attorneys at Law, as that distinction is no longer retained.

- William S. Andrews, Worcester, Spencer, r.  
 Edward Avery, Barre, r.  
 P. Emory Aldrich, Barre, Worcester.  
 Thomas Abbott, Millbury, Blackstone, r.  
 Frederick W. Botham, Douglas, Southbridge.  
 † *Nahum F. Bryant*, Barre.  
 Walter A. Bryant,\* Barre, Worcester.  
*Alexander H. Bullock*, Worcester.  
 Charles C. Brimblecom, Barre.  
 Charles D. Bowman, Oxford.  
 Merritt Barlow, Southbridge, r.

Lucian C. Boynton, Worcester, Uxbridge.  
 Lewis H. Boutelle, Westboro', r.  
 Wm. Sumner Barton, Worcester.  
 William O. Bartlett, Worcester, r.  
 Calvin M. Brooks, Worcester.  
 G. F. Bailey, Fitchburg.  
 Allen Bangs,\* Worcester, r.  
 O. L. Bridges, Worcester, r.  
 † Isaac Baldwin, Clinton.  
 Francis A. Brooks, Petersham, r.  
 S. A. Burgess, Blackstone.  
 † Edwin Conant, Sterling, Worcester.  
 Edward Clark,\* Sutton, Worcester.  
 Henry Chapin, Uxbridge, Worcester.  
 J. B. D. Cogswell, Worcester.  
 Samuel Clark, Northboro'.  
 Nathan T. Dow, Grafton, r.  
*Francis H. Dewey*, Worcester.  
 J. T. Dame, Clinton, Lancaster.  
 John A. Dana, Worcester.  
 John C. B. Davis, Worcester, r.  
 J. W. Draper, Worcester, r.  
 Andrew J. Davis,\* Worcester, r.  
 James E. Estabrook, Worcester.  
 C. C. Esty, Milford.  
 Maturin L. Fisher, Worcester, r.  
 George Folsom, Worcester, r.  
 Joel W. Fletcher, Northboro', Leominster.  
 Charles Field, Athol.  
 Dwight Foster, Worcester.  
 Elisha Fuller,\* Worcester.  
 Jesse W. Goodrich, Worcester.  
 Samuel B. I. Goddard, Worcester.  
 Frederick W. Gale,\* Worcester.  
 J. Martin Gorham, Barre.  
 William Grout, Worcester.  
 Benjamin D. Hyde, Southbridge, Sturbridge.  
 † J. W. Huntington, Lancaster.  
 † Alexander (Edward) Hamilton, Barre, Worcester.

Charles W. Hartshorn, Worcester.  
 Elisha Hammond,\* W. Brookfield.  
 Leander Holbrook, Milford.  
 George F. Hoar, Worcester.  
 Franklin Hall, Worcester.  
 James H. Hill, N. Brookfield.  
 William R. Hooper, Worcester.  
 William H. Howe, Worcester.  
 S. Holman, Fitchburg, r.  
 William T. Harlow, Spencer.  
 Henry S. Hudson, Worcester, r.  
 J. Henry Hill, Worcester.  
 Lincoln B. Knowlton, Millbury, r.  
 Edward Kirkland, Templeton, r.  
 Thomas G. Kent, Milford.  
 † William S. Lincoln, Millbury.  
 † Daniel W. Lincoln, Worcester.  
 Aaron Lyon, Sturbridge.  
 † Edward W. Lincoln, Worcester.  
 Joseph Mason, Templeton, Worcester.  
 Lewis A. Maynard, Worcester.  
 Charles C. Mason, Fitchburg.  
 William B. Maxwell, Worcester.  
 Adolphus Morse, Worcester, r.  
 John H. Matthews, Worcester.  
 David L. Morrill, Winchendon, W. Brookfield.  
 D. H. Merriam, Fitchburg.  
 C. H. Merriam, Leominster.  
 L. A. Merriam, Fitchburg.  
 Andrew D. McFarland,\* Worcester.  
 Amasa Norcross, Fitchburg.  
 Benj. F. Newton,\* Worcester.  
 George G. Parker,\* Ashburnham.  
 Grenville Parker, Worcester, r.  
 H. B. Pearson,\* Harvard.  
 † Addison Prentiss, Worcester.  
 Lucius D. Pierce, Winchendon.  
 Calvin E. Pratt, Worcester.  
 Lafayette W. Pearce, Oxford, Westboro'.

Artemas Rogers, Fitchburg, r.  
 Abram G. Randall, Millbury.  
 † George W. Richardson, Worcester.  
 Edward Rogers, Webster, r.  
 Henry C. Rice, Worcester.  
 William W. Rice, Worcester.  
 Martin L. Stowe,\* Northboro'.  
 Isaac Stevens, Athol.  
 Amos W. Stockwell,\* Worcester, r.  
 J. S. Scammel, Milford.  
 N. J. Smith, Blackstone, Spencer, r.  
 Charles H. B. Snow, Fitchburg.  
 William F. Slocum, Grafton.  
 George Swan, Hubbardston, Worcester.  
 C. G. Stevens, Clinton.  
 Elijah B. Stoddard, Worcester.  
 † William A Smith, Worcester.  
 Henry D. Stone, Worcester.  
 William L. Southwick, Blackstone.  
 H. B. Sprague, Worcester.  
 H. B. Staples, Worcester, Milford.  
 † Benjamin F. Thomas, Worcester.  
 Paul P. Todd, Blackstone.  
 John Todd, Westminster, Fitchburg.  
 Benjamin O. Tyler, Winchendon, r.  
 † Joseph Trumbull, Worcester.  
 George S. Taft, Uxbridge.  
 Newton Tourtelot, Webster.  
 S. P. Twiss, Worcester.  
 Adin Thayer, Worcester.  
 F. H. Underwood, Webster, r.  
 A. B. Underwood, Milford, r.  
 George F. Verry, Worcester.  
 Abel Whitney,\* Harvard.  
 † Asa H. Waters, Millbury.  
*Giles H. Whitney*, Templeton, Winchendon.  
 Milton Whitney, Fitchburg, r.  
 Thornton K. Ware, Fitchburg.  
 Charles K. Witherell, Petersham, Barre, Worcester.

J. Allyn Weston, Worcester, Milford, r.

John W. Wetherell, Worcester.

† *Lemuel Williams*, Worcester.

William A. Williams, Worcester.

J. C. B. Ward, Athol, r.

Hartly Williams, Worcester.

James O. Williams, Worcester.

Francis Wayland, Jr., Worcester.

Geo. A. Wetherell, Worcester.

Charles Wheaton, Worcester, r.

Henry S. Wheaton, Dudley, r.

Lemuel Williams, Jr., Westboro'.

HON. BENJAMIN ADAMS was born in Mendon, Dec., 1764, was graduated at Brown University, 1788, read law with Hon. Seth Hastings, and was admitted to practice at Worcester in 1792. He began practice in Hopkinton, but after remaining there less than a year removed to Uxbridge, where he ever after resided. He was a member of Congress from 1816, when he was elected in place of Judge Brigham, who died at Washington, till 1821. He was a member of the Senate of Massachusetts during the years 1814, 1815, 1816, 1823, 1824 and 1825. He died March 28, 1837, at the age of 72.

SUMNER BASTOW was a native of Uxbridge, or his father early removed to that place. He was a graduate of Brown University, in the class of 1802. For some time after he left College, he was engaged in mercantile business, but he afterwards read law with Estes Howe, Esquire, of Sutton, and was admitted to the Bar in March, 1811. He opened an office in the village of West Sutton, where he did a large professional business till 1823, when, upon receiving the appointment of Cashier of the Bank at Oxford, he removed to that place, and, in a great measure, retired from practice. In 1824-5, he was one of the three candidates for Representative to Congress, from the Worcester South District. The fourth trial resulting in the election of John Davis. He died at Oxford, Dec. 29, 1845, aged 67.

JESSE BLISS was born in Brimfield, and was graduated at Dartmouth in 1808. He studied his profession with the Hon. Jabez Upham. He practiced law in what is now West Brook-

field, after his admission to the Bar in 1812, till his death, Aug. 25, 1853.

HON. WILLIAM B. BANISTER was born in Brookfield, Nov. 8, 1773, and was graduated at Dartmouth in 1797. He spent most of his professional life in Newburyport, though for a few years, about 1830, he was a resident of Brookfield. After this period he returned to Newburyport, where he died July 1, 1853, at the age of 79. He was at one time a member of the Senate from the County of Essex.

DAVID BRIGHAM was born in Shrewsbury, Aug. 15, 1786, was graduated at Harvard in 1810, and afterwards was a tutor in Bowdoin College. He practiced his profession in New Braintree, Leicester, Greenfield, (where he was, for several years, a partner with Hon. Samuel C. Allen,) Shrewsbury and Fitchburg. From the latter place he removed to Iowa, where he died in 1843, at the age of 57.

HON. LEWIS BIGELOW was born in Petersham, and was graduated at Williams College, in 1803. He studied law with his father, Daniel Bigelow. He was a member of the Senate from Worcester, from 1819 to 1821, and in the latter year was chosen to Congress for one term. He was a sound and learned lawyer, and prepared, and in 1818 published, a digest of the Massachusetts Reports, of which, after an interval of seven years, he published a second and enlarged edition, and in 1830, a supplement to this, bringing down the work to the eighth volume of Pickering's Reports. It was a work of great labor and accuracy, and has never been surpassed by any American Digest.

He left the Commonwealth, and became one of the earliest settlers of the now flourishing City of Peoria, in Illinois, where he held the office of Clerk of the Courts of that County, at the time of his death, Oct. 3, 1838.

AARON BROOKS was born in Petersham, was graduated at Brown University, in 1817, and subsequently was a Tutor in that Institution. He studied his profession partly with Hon. Levi Lincoln, and partly with Hon. Lewis Bigelow, and settled in Petersham, where he continued in successful practice in the Counties of Franklin and Worcester, till the time of his death, May, 1845.

He left a son, Francis A. Brooks, who, after settling in the profession for a few years in Petersham, removed to Boston.

FREDERICK W. BOTTOM was born in Plainfield, Conn., and was graduated at Brown University, in 1802. He studied law partly with Hon. Tristram Burgess, of R. I., and partly with Hon. Pliny Merrick, of Brookfield. He first settled in Charlton, in 1806, and afterwards removed to Southbridge, then a parish of Sturbridge, where he resided till his death, May 24, 1855, at the age of 75.

He left a son, now in practice as a lawyer, in Southbridge.

CHRISTOPHER C. BALDWIN was born in Templeton, Aug. 1, 1800. He was fitted for College at Leicester Academy, was a member of Harvard until May of his senior year, 1823, when he left and entered the office of Messrs. Lincoln and Davis, in Worcester, and was admitted to practice in 1826.

He began practice in Worcester, afterwards was in business a few years in Barre, from whence he removed to Sutton. He afterwards removed to Worcester, and soon after was appointed Librarian of the American Antiquarian Society.

While on a journey in Ohio, he was thrown from a stage coach, and instantly killed, in Norwich in that State, Aug. 20, 1835. He died universally lamented.

SAMUEL M. BURNSIDE was born in Northumberland, N. H., was graduated at Dartmouth, in 1805. He studied law with Judge Ward, of Boston, and commenced business in Westboro', in March, 1810. In September of the same year, he removed to Worcester, where he continued to reside the remainder of his life. His reputation for learning in his profession was high. He retired from business several years before his death, which took place July 29, 1850, at the age of 67.

AMOS CROSBY was born in Brookfield, was graduated at Harvard in 1786, afterwards Preceptor of Leicester Academy, and subsequently a Tutor in Harvard University. He was admitted to the Bar, and settled in the profession of the law in Brookfield, in 1804, where he continued till his death, June, 1836, at the age of 75.

JOHN DAVIS, JR., as he was known at the Bar, was born in Shirley, was never graduated at College, studied law with Merriek Rice, of Lancaster, and from 1811 to 1821 was in practice



in Lancaster. The latter year he removed to Charlton, where he remained engaged in his profession until his death, July 8, 1840.

Hon. JOHN DAVIS was born in Northboro', was fitted for College at Leicester Academy, was graduated at Yale in 1812, studied law with Hon. Francis Blake, began practice in Spencer, but soon afterwards removed to Worcester, where he ever afterwards resided. In 1825 he was elected to Congress, and held the place till 1834, when he was elected Governor of the Commonwealth.

In March, 1835, he was elected Senator in Congress, and held the office till Jan'y, 1841, when he was again elected Governor, and held the office two years. In March, 1845, he was again elected Senator in Congress, and held the office till March, 1853, when he retired to private life, and died April 19, 1854, at the age of 67. He was at different times a partner in business with Levi Lincoln, Jr., Charles Allen and Emory Washburn. His son, J. C. B. Davis, was for several years a member of this Bar.

Hon. ALFRED D. FOSTER was born in Brookfield, July 26, 1800, was graduated at Harvard in 1819, studied law with S. M. Burnside, Esq., was engaged in his profession about two years in Worcester, after which he withdrew from the practice. He was three years a member of the Executive Council, and a member of the Senate from Worcester in 1848. He was a man of great worth, and universally respected. He died Aug. 15, 1852. He left a son, now in practice in Worcester as a Lawyer.

ISAAC GOODWIN was born in Plymouth, June 28, 1786, but was never graduated at any College. He studied law with Hon. Joshua Thomas. He commenced practice in Boston, in 1808, but removed and was settled in Sterling in his profession, from 1809 till 1826, when he removed to Worcester. He continued to reside there till his death. He published the "Town Officer" in 1826, and the "New England Sheriff" in 1830. His death took place Sept. 16, 1832, aged 46.

ALEXANDER DUSTIN was born in New Boston, N. H., April 17, 1776, was graduated at Dartmouth in 1799, studied law with Hon. S. Bell, of Francistown, Hon. Wm. Crosby, of Billerica, and Hon. Joseph Locke, of Billerica, and was admitted to practice in Nov., 1804. He first settled in Harvard, but after

five years, in 1810, removed to Westminster, where he remained until 1826, when he removed to Sterling, where he continued to reside until his death, Jan'y 24, 1837, at the age of 60.

DANIEL GILBERT was a native of Brookfield, was graduated at Dartmouth in 1796, and was admitted to the Bar in 1805. He resided at North Brookfield till his decease, though for several years of the latter part of his life, he had withdrawn from practice. He died March 11, 1851, at the age of 76.

HON. NATHANIEL HOUGHTON was born in Sterling, but did not receive a collegiate education. He studied law with the Hon. Nahum Mitchell, of Bridgewater, commenced practice in Barre, in 1810, and continued to reside there till his death, Dec. 21, 1840. He was a Senator from Worcester, in 1825, and the two following years.

HON. SETH HASTINGS was born in Cambridge, was graduated at Harvard in 1782, and studied law with Hon. Levi Lincoln, Senior. He was admitted to the Bar in June, 1786, and commenced practice in Mendon, where he ever after resided. His business extended to Norfolk as well as Worcester, and was at one time very extensive.

From 1801 to 1807 he was a member of Congress, and from 1810 to 1812 was a member of the Senate from Worcester. From 1819 to 1828 he was Chief Justice of the Court of Sessions for this County. When he commenced business, there were but eleven lawyers in practice in the County.

He died at the age of 70, Nov. 19, 1831.

He left two sons, members of the profession, both of whom have since deceased.

HON. WILLIAM S. HASTINGS was son of the above, and born in Mendon, 1798, was graduated at Harvard in 1817, studied law with his father, and was admitted to the Bar in 1820. He settled in Mendon, where he resided till his death, June 17, 1841. He was a member of the Senate from Worcester from 1830 to 1833. He had been three times elected to Congress, and died while a member, at the Sulphur Springs, in Virginia. He was never married.

NAHUM HARRINGTON was born in Westboro', June 13, 1778, and was graduated at Brown in 1807. He studied law with Hon. Fisher Ames, and Hon. James Richardson, and was admitted

to practice in April, 1811. He immediately opened an office in Westboro', where he resided till his death, Dec. 31, 1848, at the age of 70.

HON. CHARLES C. P. HASTINGS, son of Hon. Seth Hastings, was born in Mendon, and was graduated at Brown in 1825. He studied law a part of the time with Judge Howe, at Northampton, and a part with his brother, Hon. Wm. S. Hastings. He was admitted to the Bar, Sept., 1828, and settled in Mendon, where he resided till his death, Sept. 25, 1848, at the age of 44. He was a member of the Senate from Worcester in the years 1840 and 1841.

HON. JOSEPH G. KENDALL was born in Leominster, was graduated at Harvard in 1810, and for five years was a Tutor in that University. He studied law with Hon. Abijah Bigelow, and settled in Leominster, where he remained till 1833, when he was appointed Clerk of the Courts for this County. He held this office till his death, Oct. 2, 1847, at the age of 59. In 1824, he was elected to the Senate, from Worcester, and held the office four years. He was a member of Congress during the years 1830 to 1833, the 21st and 22d Congresses.

ELEAZER JAMES was born at Cohasset, in 1754, and was graduated at Harvard in 1778. He was a Tutor in that institution from 1781 to 1789. He studied theology, and preached for a time, though he never was settled. He then studied law with Hon. Levi Lincoln, Senior, and began business in Barre, where he resided till near the close of his life, when he removed to the family of his son-in-law, Hon. Charles Allen, in Worcester, where he died, April 14, 1843, at the age of 89.

WILLIAM LINCOLN was born in Worcester, Sept. 26, 1801, and was son of Hon. Levi Lincoln, Senior. He was graduated at Harvard, in 1822, studied law with Hon. Enoch Lincoln, in Maine, Hon. John Davis, and Hon. Rejoice Newton, who had married his sister, with whom he was afterwards for several years a partner in business. He was admitted to the Bar, in August, 1825, and died at the age of 42, Oct. 5, in the year 1843.

SETH LEE was born in Barre, but did not receive a collegiate education. He was somewhat advanced in life when he began the study of the law, which he pursued, as is understood, in the

office of Hon. Jabez Upham, and was admitted to the Bar, in 1810. He established himself in business in Barre, where he remained till his death, in March, 1841.

JACOB MANSFIELD was born in Lynn, was awhile a member of Harvard University, but did not graduate. He studied law for a time with Judge Putnam, in Salem. He settled in Western, (now Warren) but left there and went to the City of New York, where it is supposed he died.

WILLIAM PERRY was born in Leominster, April 15, 1786, was never graduated at College, studied his profession with the Hon. Abijah Bigelow, and established himself in business in his native town, having been admitted to the Bar in August, 1813. He died in August, 1844, at the age of 58.

RUFUS PUTNAM was born in Warren, then Western, and was graduated at Williams College in 1804. He settled in the practice of his profession in Rutland, where he resided till his death, Jan'y 18, 1847, at the age of 64.

Hon. NATH'L PAINE was born in Worcester, and was graduated at Harvard in 1775. He studied law with Hon. John Sprague, of Lancaster, and was admitted to the Bar in 1781. He began business in Groton, but after four years removed to Worcester, where he resided during the remainder of his life. He held the office of County Attorney for some time, and in 1801, was appointed Judge of Probate for the County of Worcester. This office he held for thirty-five years, and died, Oct. 7, 1840, at the age of 82.

WILLIAM PRATT was born in Shrewsbury, was graduated at Brown in 1825, studied law with Judge Merrick, and began business in Shrewsbury. He remained there till 1835, when he removed to Worcester, and formed a professional connection with Judge Merrick, which continued for a short time. He died Feb. 2, 1839.

WARREN RAWSON was born in Mendon, and was graduated at Brown in 1802. He studied law a part of the time with Judge Bangs, and a part of the time with Hon. S. Hastings.

He began business in Mendon, where he remained till his death, June 17, 1848, aged 71.

Hon. WILLIAM STEDMAN was graduated at Harvard in 1784. He was admitted to the Bar in Essex, in 1787. He practiced

law in Lancaster, and in 1803 was elected to Congress, of which body he was a member till 1810. In the latter year he was appointed Clerk of the Courts for this County, which place he held, with the exception of one year, till 1816. He then resumed his profession in Charlton, but afterwards removed to Lancaster. He died at Newburyport, in Sept., 1831, at the age of 66.

THOMAS POPE was born in Dudley, and was graduated at Brown University, in 1809. He settled in business in Dudley, where he resided till his death, March 7, 1854, at the age of 66.

HON. ONSLOW PETERS. Since the preparation of the address of which these notices form an appendix, the death of Judge Peters has been announced. He was born in Westboro', March 1, 1803, was graduated at Brown in 1825, and studied law partly with Judge Howe and Hon. Mr. Mills, at Northampton, and partly with Hon. Samuel Hoar. He was admitted to the Bar in Middlesex, in September, 1828, and soon after commenced business in Westboro'. After residing there several years, he removed to Peoria, Illinois, and at the time of his death, held the office of Circuit Judge of the 16th Circuit of that State. He died at Washington, February, 1856.

HENRY PAINE was a son of Judge Paine, and born in Worcester. He entered Yale College, but did not graduate. He studied law with Samuel M. Burnside, Esq., and commenced business in Worcester, where he resided till his death, in May, 1844.

HON. MOSES SMITH was admitted to practice at Worcester, December Term, 1802, and commenced practice in Lancaster, which he abandoned after a period of twenty-three years. He continued to reside there, however, till his death, June 29, 1835, at the age of 58. He was never graduated at any College. He was a member of the Senate from Worcester from 1814 to 1816.

JONAS L. SIBLEY was born in Sutton, the son of Hon. Jonas Sibley. He was graduated at Brown in 1813, and studied law with Hon. Levi Lincoln. He settled in business in Sutton, and remained there till 1834, when he was commissioned as U. S. Marshal for the District of Massachusetts. He held this office eight years, and then returned to Sutton, but never resumed his profession. After several years of ill health, he died, Feb'y 1, 1852, at the age of 61.



HEMAN STEBBINS was born in W. Springfield, was graduated at Yale in 1814. He practiced law for several years in Brookfield, but abandoned it for the profession of a Civil Engineer some years before his death, which took place Nov., 1838.

SIMEON SAUNDERSON never received a collegiate education. He was admitted to the Bar in 1820, and practiced law in Westminster. He died in July, 1842.

HON. GEORGE A. TUFTS was born in Dudley, the son of Hon. Aaron Tufts, Feb'y 22, 1797. He was graduated at Harvard in 1818, was for one year and a quarter a member of the Law School at Cambridge, and studied law one year with Hon. Josiah J. Fiske, and the balance of the three years with Hon. Levi Lincoln. He was admitted to the Bar in Worcester, Dec., 1821, and entered upon the practice of the profession in Dudley, where he resided until his death, Dec. 25, 1835, at the age of 38.

He was a Senator from Worcester for the year 1835.

HON. BEZALEEL TAFT, JR. was born in Uxbridge, the son of Hon. Bezaleel Taft, and was graduated at Harvard in 1804. He commenced practice in Uxbridge, and resided there till his death, in 1846, at the age of 66.

He was a Senator from Worcester for two years, having been elected in 1825, and was afterwards a member of the Executive Council.

HON. LOVELL WALKER was born in Brookfield, was graduated at Dartmouth in 1794. He was admitted to practice in 1801, settled in Templeton, and practiced his profession there for many years, but removed to Leominster a short time before his death, which took place, March 25, 1840, at the age of 72.

He was a member of the Senate during the years 1830 and 1831.

OTIS C. WHEELER was born in Worcester, and studied law with Messrs. Davis and Allen, and was admitted to the Bar in 1830. He died at St. Augustine, Florida, having been in business for a year or two in Worcester, Feb'y 6, 1831, at the early age of 23.

WALTER A. BRYANT was born in New Salem, but was never graduated at any College. He studied law with Aaron Brooks, Esq., and practiced his profession in Barre; until about two years before his death, when he removed to Worcester and opened an

office there. He died in Paris, having reached there on a journey for his health, in the Spring of 1850.

ALLEN BANGS was born in Springfield, and began business there. He opened an office in Worcester for a short time, but was compelled by ill health to abandon the profession. He was graduated at Yale, 1846, and died at Springfield, Nov. 24, 1853.

WILLIAM M. TOWNE was born in Charlton, the son of Hon. Salem Towne, was graduated at Amherst in 1825, and studied law with Hon. John Davis and Hon. Charles Allen while partners, and was admitted to the Bar in 1828. He commenced business in Worcester where he remained till 1835, when he gave up the profession for other business. He resided at Springfield for some time previous to his death, which took place, April 20, 1841.

EDWARD J. VOSE was born in Augusta, Maine, and was graduated at Bowdoin College in 1825. He studied law with Messrs. Davis and Allen, and was admitted to the Bar in 1828. He opened an office soon after in Worcester, and died May 25, 1831, at the age of 25.

HARRY WOOD was born in Grafton. He did not receive a collegiate education. After being admitted to the Bar, he practiced for some time in Maine. He afterwards returned to Grafton where he remained in the practice of his profession till his death, in August, 1838.

EDWARD CLARK was born in Charlton, and studied law with J. L. Sibley, in Sutton, where he afterwards practiced law for several years. He removed to Worcester, and was in the practice of his profession there at the time of his death, which took place on a journey in the Western States in the summer of 1849.

ANDREW J. DAVIS was born in Northboro', 1815, and studied law with his brother, Hon. Isaac Davis, with whom he formed a connection in business upon his admission to the Bar in 1834. After about a year, he removed to St. Louis, where he continued in practice till his death, in June, 1840. He was attacked by a ruffian, by the name of Darnes, in the streets of St. Louis, in consequence of an article published in the St. Louis Republican, of which he was the proprietor, which resulted in his death.

ELISHA FULLER was born in Princeton, was graduated at Harvard in 1815, and studied theology. He afterwards studied



law, and commenced business in Concord. After a few years residence there, he removed to Lowell, and continued in practice there until his removal to Worcester, in 1844, where he resided till his death, which took place very suddenly, March 18, 1855, at the age of 63.

FREDERICK W. GALE was born in Northboro', and was graduated at Harvard in 1836. He was a member of the Dane Law School in 1838, and having completed his preliminary studies with Hon. Isaac Davis, he formed a connection in business with him, till 1840, when he established himself in business in St. Louis, from whence he removed in a few years to Worcester. Here he remained, with the exception of a few years absence in Europe, until his death, in October, 1854, having been lost in the wreck of the Arctic Steamer, on his passage home from Liverpool.

ELISHA HAMMOND was graduated at Yale College in 1802. He pursued the practice of his profession, after his admission to the Bar in 1806, in Brookfield. He was absent a few years in New York, engaged in editing new editions of works on law, and was himself the compiler of a work upon the duties of Justices. The last few years of his life, he resided in Brookfield, in what is now West Brookfield, and died May 12, 1851, at the age of 70.

BENJAMIN F. NEWTON was never graduated at college. He studied his profession with Hon. Benj. F. Thomas, and Hon. Edward Dickinson, and was admitted to this Bar in 1850.

Upon the formation of Worcester County into a separate district in 1852, he was appointed District Attorney, and held the office till his death, which took place March 24, 1853, at the age of 32.

ANDREW D. MCFARLAND was born in Worcester, was graduated at Union College in 1832, and studied his profession with Messrs. Davis & Washburn in Worcester. He commenced business in Worcester upon his admission to the Bar in 1835, and died June 23, 1836, at the age of 25.

MARTIN L. STOW never received a collegiate education. He was in practice for a while in Southboro', and afterwards removed to Northboro', where he resided till his death in June, 1843.

GEORGE G. PARKER practiced his profession in Ashburnham. He died April, 1853.

AMOS W. STOCKWELL was born in Sutton. He was a member of the Dane Law School in 1835, and completed his studies in the offices of Hon. Ira M. Barton, and Hon. Isaac Davis. He was admitted to the bar in 1837, and established himself in Worcester, where he remained a few years, when he removed to Chicopee, where he continued to practice in his profession, till his death, 1853.

ABEL WHITNEY was graduated at Williams in 1810. Though regularly bred to the profession, he engaged in the business of a teacher in Boston for many years.

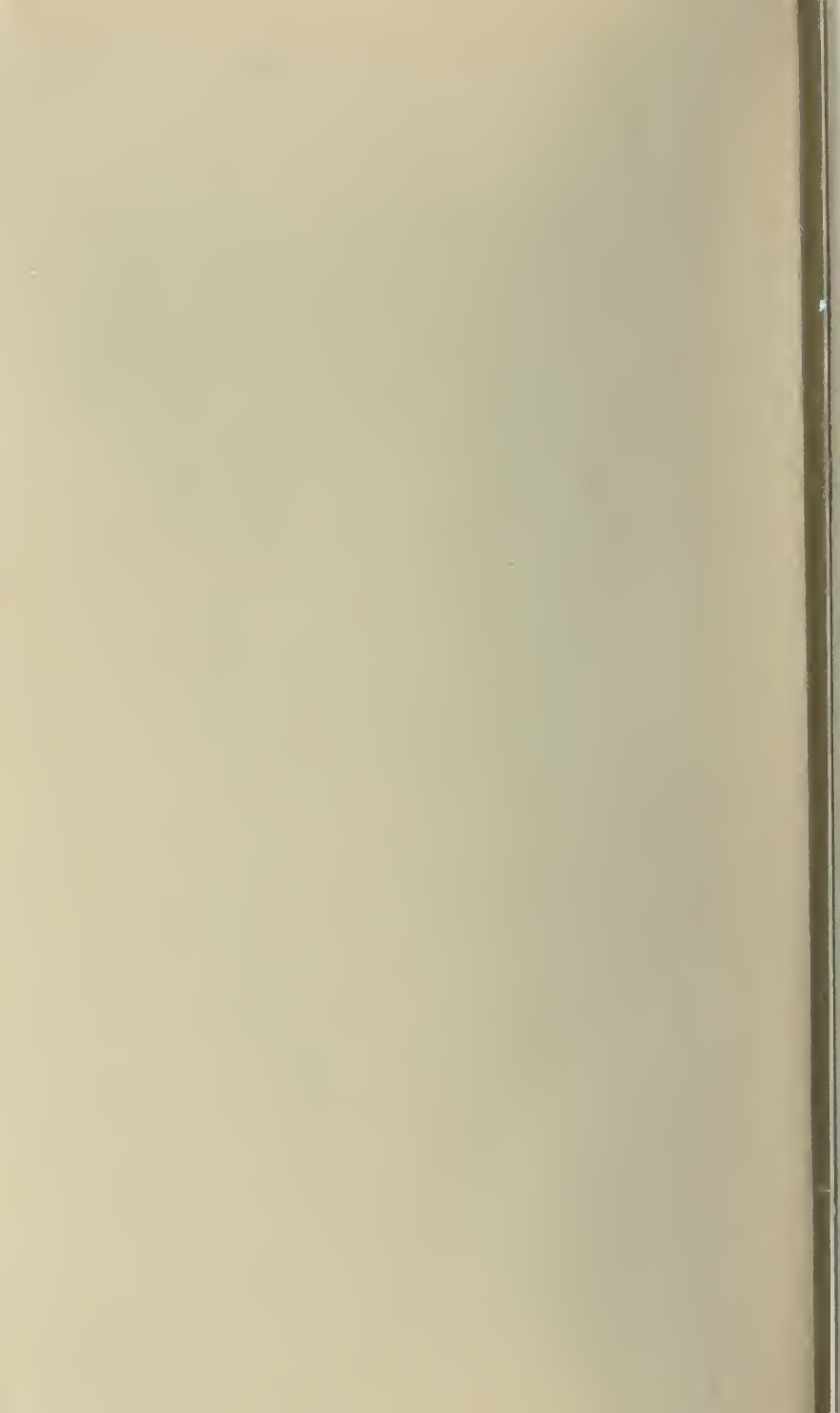
He removed to Harvard several years before his death, and engaged somewhat in practice as a lawyer. He died May 30, 1853.













UC SOUTHERN REGIONAL LIBRARY FACILITY



**AA** 000 931 323 0

